

**DEPARTMENT OF SOCIAL SERVICES**

744 P Street, Sacramento, California 95814



July 27, 2000

ALL COUNTY INFORMATION NOTICE I-71-00

TO: ALL COUNTY WELFARE DIRECTORS  
ALL CalWORKs PROGRAM SPECIALISTS**REASON FOR THIS TRANSMITTAL**

- ☐ State Law Change
- ☐ Federal Law or Regulation Change
- ☐ Court Order
- ☐ Clarification Requested by One or More Counties
- ☒ Initiated by CDSS

SUBJECT: NONCITIZEN ELIGIBILITY REFERENCE GUIDE

REFERENCE: ACIN I-47-95

The purpose of this notice is to transmit reproducible copies of the attached noncitizen reference guide. This guide is a revised version of the Santa Clara County Reference Guide that was issued via ACIN I-47-95 in October 1995.

A county workgroup reviewed the previous reference guide and made changes as it relates to CalWORKs and Immigration and Nationality Act law and INS procedures. The guide explains the different categories of noncitizens and the types of documentation associated with each particular group. The guide should not be regarded as an exhaustive listing.

Due to the fact that immigration law changes frequently, this document is not fail-safe. This guide does not in and of itself determine program eligibility, nor does it supersede the Systematic Alien Verification for Entitlements (SAVE) system requirements. INS makes the determination on whether a noncitizen's document and/or status is valid. With respect to the Medi-Cal program, use of this guide is not approved and any questions should be directed to your appropriate Medi-Cal contact.

This guide is not required and will not be stocked by the CDSS. If you have any questions regarding this notice, please call Kevin Campbell of the CalWORKs Eligibility Bureau at (916) 654-2130.

Sincerely,

***Original signed by***  
***Maria Hernandez for***  
***Charr Lee Metsker***  
***on 7/27/00***

CHARR LEE METSKER, Chief  
Employment and Eligibility Branch

Attachment

c: CWDA  
CSAC

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# 1. Citizenship



## 1.1 U.S. Citizenship

All persons born in, and subject to the jurisdiction of the U.S., are U.S. citizens. Citizenship can be established by an applicant's statement on the appropriate Statement of Facts. For CalWORKs, acceptable verification must be in the case record. Acceptable verification includes:

- U.S. birth certificate
- Baptismal certificate
- Military discharge papers
- U.S. Passport
- "Certificate of Citizenship" (N-560 OR N-561) from INS
- "Certificate of Naturalization" (N-550 or N-570)
- "United States Citizen Identification Card" (I-179)
- "United States Citizen Identification Card" (I-197)
- INS Identification form, or
- Similar proof which shows the date and place of birth.



## 1.2 Birth in U.S. Territories

Persons born in U.S. territories are American nationals entitled to enter the U.S. for permanent residence at any time without going through immigration procedures and are considered U.S. citizens. Citizenship through U.S. territorial birth is established by an applicant's statement on the appropriate Statement of Facts. (CalWORKs must have verification.) The U.S. territories are:

- American Samoa
- Guam
- Northern Mariana Islands (NMI); they are not nationals [Refer to Chapter 1.5.2 "Northern Mariana Islands", pp. 1-3]
- Puerto Rico
- Swains Island
- Virgin Islands.



## 1.3 “Citizen Identification Card” (I-179 or I-197)

Persons who have become naturalized U.S. citizens, and lived along the Mexican Border were issued a “Resident Citizen Identification Card” (I-197 [previously known as I-179]) from INS. This identification card was introduced in 1960 to provide a conveniently carried identification for U.S. citizens. The I-179 and I-197 were revised in 1973 and 1976, then discontinued in 1983. The card is still valid. [Refer to Chapter 5.2.5 and 5.2.9 “U.S. Citizen Identification Cards”, pp. 5-115 and 5-117]

**Note:**

If the applicant is unable to present the above document, they may obtain a letter from the Clerk of the U.S. District Court where citizenship was obtained to verify naturalization. A small fee will be charged.



## 1.4 Foreign Birth Certificates

A foreign birth certificate that has been registered with the American Consulate in the foreign country indicates U.S. citizenship if the document has all of the following:

- A written statement to this effect, and
- The official stamp of the Consulate, and
- The signature of an officer of the Consulate.

Persons holding these registered birth certificates are usually issued a U.S. passport.

A foreign birth certificate of a U.S. person born abroad, stamped by INS at the time a child of U.S. parents first enters the country is not in itself proof of acquired citizenship or noncitizen status, although the child was legally admitted to this country. Obtaining citizenship or permanent residence is an entirely separate INS procedure which may or may not be granted. [Refer to Chapter 1.6 “Acquired/Derivative Citizenship”, p. 1-4]



## 1.5 Former Trust Territories

In October/November 1986, two laws became effective relative to what was previously known as the Trust Territories of the Pacific Islands (TTPI). The TTPI (created in 1947) has been dissolved and four separate sovereign nations were created. The four nations are:

- Republic of Palau
- The Northern Mariana Islands (NMI)
- Republic of the Marshall Islands (MIS)
- Federated States of Micronesia (FSM).

U.S. citizenship is not treated the same for all four sovereign nations. See the following sections. This group may be considered PRUCOL. [Refer to Chapter 2.5 “Program Eligibility”, p. 2-16]

### 1.5.1 Republic of Palau

Citizens of Palau must qualify as immigrants or non-immigrants.

Noncitizens from the Republic of Palau must meet the normal noncitizen documentation verification requirements for all aids.

This group may be considered PRUCOL. [Refer to Chapter 2.5 “Program Eligibility”, p. 2-16]

### 1.5.2 Northern Mariana Islands

Citizens of the Northern Mariana Islands (NMI) were declared citizens of the United States under Public Laws 94-241 and 99-239, if certain conditions are met. The person must have been issued either:

- A U.S. passport, or
- A certificate of identity issued by the Commonwealth of the NMI.

Main islands of the Marianas are Saipan, Tinian and Rota.

Citizens of NMI who do not provide either a U.S. passport or a certificate of identity, issued by the Commonwealth of NMI, are to be considered noncitizens and must meet all noncitizen verification requirements.

### 1.5.3 Republic of the Marshall Islands

The Republic of the Marshall Islands (MIS) is considered a Freely Associated State. Citizens of MIS are allowed to enter the U.S. to live, work or study and are considered indefinite legal residents. They are given an "Arrival-Departure Form" (I-94) with an admission stamp followed by the notation CFA/MIS (CFA stands for Compact Free Association). The I-94 is stamped "Employment Authorized." Citizens of MIS are eligible for CalWORKs and Medi-Cal if they have the above verification.

This group may be considered PRUCOL. [Refer to Chapter 2.5 "Program Eligibility", p. 2-16]

### 1.5.4 Federated States of Micronesia

The Federated States of Micronesia (FSM) is considered a Freely Associated State in all aspects to MIS above. Citizens are allowed to enter the U.S. to live, work or study, and are considered indefinite legal residents. They are given an I-94 with an admission stamp followed by the notation CFA/FSM. The I-94 is stamped "Employment Authorized". Citizens of FSM are eligible for all aids if they have the above verification.

This group may be considered PRUCOL. [Refer to Chapter 2.5 "Program Eligibility", p. 2-16]



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## 1.6 Acquired/Derivative Citizenship

### 1.6.1 Acquired Citizenship

Acquired citizenship is conferred at birth on children born abroad to a U.S. citizen parent.

### 1.6.2 Derivative Citizenship

Derivative citizenship is conveyed to children (under 18) through the naturalization of parents, or under certain circumstances, to spouses of citizens at or during marriage or to foreign-born children adopted by U.S. citizen parents, provided certain conditions are met.

Note:

Once a child is 18 they must obtain status as an adult to the extent they haven't already derived citizenship through their parents.

### 1.6.3 Rule

Persons who are born in a foreign country and have at least one U.S. citizen parent do not automatically become citizens. They must file an application with INS to receive a "Certificate of Citizenship" (N-560 or N-561 [replacement]). Under an expedited process, a U.S. citizen parent may file an "Application for Certification of Naturalization" (Form N-600 for a child) or (Form N-643 for an adopted child).

### 1.6.4 Documents

Persons who have met all INS requirements to obtain acquired/derivative citizenship will have either an N-560 or N-561.



## 1.7 Naturalization

Naturalization is the process by which a lawful permanent resident becomes a U.S. citizen.

### 1.7.1 Rule

Naturalization requires that the person meet the following criteria:

- Be over 18 years old
- Be lawfully admitted to the U.S.
- Reside in the country continuously for five years (three years if married to a U.S. citizen)
- Pass a test to prove basic knowledge of English and American government and history
- File an application for naturalization with INS.



## 1.7.2 Documents

Persons who meet all INS requirements to become naturalized will have a "Certificate of Naturalization" (N-550) or a replacement certificate (N-570) issued by INS if the original (N-550) is lost or destroyed.



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## 1.8 U.S. Passport

A travel document issued by the State Department showing the bearer's country of origin, identity, and nationality, if any, which is valid for the entry of the bearer into a foreign country.

A United States Passport is verification of U.S. citizenship. There have been 12 revisions in the format since 1976. All passports contain the person's photograph, signature and biographic data.

## 2. Immigration



### 2.1 Acronyms

AREERA	Agriculture Research, Extension and Education Reform Act
ASAWs	Additional Special Agricultural Workers (AKA Replenishment Agricultural Workers, RAWs)
ASVI	Alien Status Verification Index - system of records
BBA	Balanced Budget Act
CBO	Community Based Organization
CFAP	California Food Assistance Program
DOL	Date of Legalization
ECA	Entrant Cash Assistance
ELA	Eligible Legalized Alien
EMA	Entrant Medi-Cal Assistance
EOIR	Executive Office for Immigration Review
FSM	Federated States of Micronesia
GA/GR	General Assistance/General Relief
HP	Humanitarian Parolee
HIAS	Hebrew Immigrant Aid Society
INA	Immigration and Naturalization Act
INS	Immigration and Naturalization Service — See definitions.
IRC	International Rescue Committee
IRCA	Immigration Reform Control Act of 1986 — Contained eligibility for assistance rules for certain amnesty noncitizens.
LPR	Lawful Permanent Resident
MAA	Mutual Assistance Association
NMI	Northern Mariana Islands
OBRA	Omnibus Budget Reconciliation Act of 1986 - Contained Medi-Cal eligibility rules for certain undocumented noncitizen.

ODP	Orderly Departure Program
PRS	Permanent Resident Status
PRWORA	Personal Responsibility and Work Opportunity Reconciliation Act of 1996
PRUCOL	Permanently Residing In The United States Under Color Of Law
RAWs	Replenishment Agricultural Workers, (AKA Additional Special Agricultural Workers, ASAWs)
RCA	Refugee Cash Assistance
RMA	Refugee Medi-Cal Assistance
SAVE	Systematic Alien Verification of Entitlements
SAWs	Special Agricultural Workers
SIS	Satisfactory Immigration Status
SLIAG	State Legalization Impact Assistance Grants (Funding ended 6/30/94)
TPS	Temporary Protected Status
TRMA	Transitional Refugee Medical Assistance
TRS	Temporary Resident Status
TTPI	Trust Territories of the Pacific Islands
USCC	United States Catholic Charities
VAWA	Violence Against Women Act
VOLAG	Private Voluntary Resettlement Agency
WR	World Relief



## 2.2 Definitions

### 2.2.1 Affidavit of Support

The affidavit of support is a document which holds a sponsor financially responsible for the immigrant until the immigrant attains U.S. citizenship or has 40 work quarters.

Nearly all family-based and some employment-based immigrant visa applicants have to submit an affidavit of support form.

- The I-134 Affidavit of Support form was used prior to 12/19/97. The rules for its use remain in effect.
- Effective 12/19/97, the Affidavit of Support form is the I-864. This affidavit is now legally enforceable.

## 2.2.2 (Alien) Noncitizen

An individual who is not a citizen or national of the U.S. Many times the terms alien and noncitizen are used interchangeably. The terms may have slightly different definitions to INS but for eligibility purposes they are the same.

Noncitizens are persons who are not Nationals or U.S. Citizens. Noncitizens may include the following:

- Foreign government officials
- Persons who have immigrated with INS documentation
- Tourists
- Students
- Persons here on business, or
- Undocumented persons.

## 2.2.3 Authorization to Work

Noncitizens, in the U.S., must receive authorization from INS in order to become employed. Visitors are barred from working in the U.S. Working without authorization is a violation of the noncitizen's immigration status and is a ground for deportation/exclusion.

At one time, noncitizens who were not authorized to work would be issued a non-work Social Security Number (SSN). This card is no longer issued unless the individual needs it to get a driver's license and they have sufficient time left on their visa to use the license.

Authorization to work does not mean the person is eligible for public benefits, they must have other clarifying documents.

## 2.2.4 Deeming

Deeming is when the income and resources of a sponsor are added to those of the immigrant when determining eligibility for federal means-tested public benefits.

## 2.2.5 Documented Noncitizen (Alien)

A noncitizen in the U.S. who is in possession of valid INS issued documents. [Refer to Chapter 5 “Immigration Forms”, p. 5-110]

## 2.2.6 “Exception Criteria”

“Exception criteria” is the federal term used to refer to “qualified aliens” who are eligible for Federal Benefits immediately regardless of their date of entry.

“Qualified aliens” who meet the “Exception Criteria” are:

NONCITIZEN STATUS		DEFINITION
Refugee	*	Admitted as a refugee under Section 207 of the Immigration and Nationality Act.
Asylee	*	Asylum has been granted under Section 208 or 208(a) of the Immigration and Nationality Act.
Withholding of Deportation/Cancellation of Removal	*	Deportation is being withheld under Section <ul style="list-style-type: none"><li>• 243(h) of the Immigration and Nationality Act (as in effect immediately before the effective date of Section 307 of Division C of P.L. 104-208) OR</li><li>• 241(b)(3) of the Immigration and Nationality Act (as amended by Section 305(a) of Division C of P.L. 104-208).</li></ul>
Veterans - With Qualified Alien Status		Veteran status is defined as: <ul style="list-style-type: none"><li>• A veteran (as defined in Section 101 of the Title 38, U.S.C.) with a discharge characterized as an honorable discharge and not an account of alienage, and who fulfills the minimum active-duty service requirements of Section 5303A(d) of Title 38 U.S.C., or</li><li>• A veteran on active-duty (other than active duty for training) in the Armed Forces of the United States, or</li><li>• The spouse or unmarried dependent child of an individual described above, or</li><li>• The surviving spouse of an individual (who has not remarried) described above who is deceased if the marriage fulfills the requirements of 38 U.S.C., Section 1304.</li></ul>

NONCITIZEN STATUS		DEFINITION
LPR with Work Quarters		An LPR admitted to the U.S. under the Immigration and Nationality Act and having 40 qualifying quarters of coverage as defined under Title II of the Social Security Act or can be credited with such qualifying quarters as provided under Section 435, and (ii) in the case of any such qualifying quarter creditable for any period beginning after December 31, 1996, the person earning the credit did not receive any Federal Means-Tested Public Benefits (as provided under PRWORA section 403) during any such period.
Cuban-Haitian Entrant	*	A noncitizen who is a Cuban and Haitian entrant as defined in section 501(e) of the Refugee Education Assistance Act of 1980.
Amerasian	*	A noncitizen admitted to the U.S. as an Amerasian as described in PRWORA, Section 402(a)(2)(A)(i)(V).

\* For Food Stamp purposes only, some persons meeting the “exception criteria” may be limited to 7 years eligibility.

## 2.2.7 Federal Means-Tested Public Benefit Programs

Qualified aliens who entered the country after 8/22/96 may be barred from receiving federally funded means-tested benefits for a period of time in the U.S., unless they meet the “exception criteria”. States may extend the option to fund state programs.

The following are considered federal means-tested public benefits:

- Supplemental Security Income (SSI)
- Medi-Cal
- California Work Opportunity and Responsibility to Kids (CalWORKs)
- Food Stamps
- Healthy Families.

Note:

Foster Care and Adoption Assistance are exempt.

## 2.2.8 Immigrant

A noncitizen who has sought INS status to reside in this country indefinitely which could include refugees, asylees and lawful permanent residents.

## 2.2.9 Immigration and Naturalization Service (INS)

INS is the branch of the government that administers regulations regarding noncitizens in the U.S.

### California Locations:

INS	INS	INS
280 S First St.	1887 Monterey Rd. (near Tully)	630 Sansome St., Room 106
San Jose, CA	San Jose, CA 95112	San Francisco, CA 94111
(408) 535-5195	(408) 918-4060	(415) 705-4411
INS	INS	INS
300 North Los Angeles St.	880 Front St., Suite 1234	650 Capitol Mall
Los Angeles, CA 90012	San Diego, CA 92101	Sacramento, CA 95814

INS Website: [www.ins.usdoj.gov/graphics/fieldoffices](http://www.ins.usdoj.gov/graphics/fieldoffices)

## 2.2.10 Lawful Permanent Resident

A noncitizen who is lawfully admitted for permanent residency under the Immigration and Nationality Act.

## 2.2.11 National

A national of the United States is defined as a person who, though not a citizen of the United States, owes permanent allegiance to the United States. Nationals can enter the U.S. at any time without going through immigration procedures [Refer to Chapter 1.2 "Birth in U.S. Territories", p. 1-1]

## 2.2.12 Naturalization

Naturalization is the process by which a lawful permanent resident becomes a U.S. citizen. [Refer to Chapter 1.7 "Naturalization", p. 1-5]

### 2.2.13 Noncitizen (Alien)

An individual who is not a citizen or national of the U.S. Many times the terms alien and noncitizen are used interchangeably. The terms may have slightly different definitions to INS but for eligibility purposes they are the same.

Noncitizens are persons who are not Nationals or U.S. Citizens. Noncitizens may include the following:

- Foreign government officials
- Persons who have immigrated with INS documentation
- Tourists
- Students
- Persons here on business
- Undocumented persons.

### 2.2.14 Non-Immigrant

A noncitizen who is allowed to enter the U.S. for a specific purpose and for a limited period of time.

### 2.2.15 Public Benefits

For the purposes of INS determination the following programs are considered public benefits:

- California Work Opportunity and Responsibility to Kids (CalWORKs)
- Food Stamps
- Medi-Cal
- Supplemental Security Income (SSI)/State Supplemental Program (SSP) or Cash Assistance Program for Immigrants (CAPI), and
- Programs funded by a Social Services Block Grant
- General Assistance (GA)/General Relief (GR).

These benefits may be paid by federal funds, state-only funds or a combination of both, or local funds.

### 2.2.16 Public Charge

“Public charge” is a term used by INS when referring to noncitizens who have or may become dependent on public benefits. Public charge is evaluated in determining whether a noncitizen is inadmissible to the U.S., ineligible to adjust



immigration status, or has become deportable on the grounds that they are likely to be a public charge. This determination is made by INS when a person is adjusting to lawful permanent resident status.

## 2.2.17 “Qualified Alien”

The term “qualified alien” is a federal term used only to define a person’s immigration status for eligibility to receive federal means-tested public benefits. Effective 8/22/96 “Qualified aliens” are not eligible for federally funded means-tested public benefits for the first 5 years unless they meet the “exception criteria”. [Refer to Chapter 2.2.6 “Exception Criteria”, p. 2-10]

Note:

Food Stamps refers to “qualified aliens” as “qualified noncitizens”.

To be eligible to receive “federal means-tested public benefits” the customer must present documentation that they are a “qualified alien”. The following noncitizens have “qualified alien” status:

INS Status:	Definition:
Lawful Permanent Resident	A person lawfully admitted for permanent residence under the Immigration and Nationality Act.
Asylee	Asylum has been granted under Section 208 or 208(a) of the Immigration and Nationality Act.
Refugee	Admitted as a refugee under Section 207 of the Immigration and Nationality Act.
Paroled For At Least One Year	A noncitizen paroled in the U.S. under Section 212(d)(5) of the Immigration and Nationality Act for a period of at least 1 year.
Withholding of Deportation/Cancellation of Removal	Deportation is being withheld under Section <ul style="list-style-type: none"><li>• 243(h) of the Immigration and Nationality Act (as in effect immediately before the effective date of Section 307 of Division C of P.L. 104-208) OR</li><li>• 241(b)(3) of the Immigration and Nationality Act (as amended by Section 305(a) of Division C of P.L. 104-208).</li></ul>
Conditional Entrant	A noncitizen granted conditional entry pursuant to Section 203(a)(7) of the Immigration and Nationality Act in effect prior to April 1, 1980.
Cuban-Haitian Entrant	A noncitizen who is a Cuban and Haitian entrant as defined in section 501(e) of the Refugee Education Assistance Act of 1980.
Battered Noncitizens	A noncitizen who has been battered or subjected to extreme cruelty within the meaning of Section 431 of PRWORA, Title IV.

## 2.2.18 Undocumented Noncitizen (Alien)

A noncitizen present in the U.S. who is not in possession of valid INS issued documents.



## 2.3 Documentation

Noncitizens must present documentation of “eligible” U.S. immigration status for the applicable program prior to the issuance of benefits.

Noncitizens without acceptable INS documentation are NOT eligible for CalWORKs or Food Stamps, yet may be potentially eligible for Restricted Medi-Cal. This includes but is not limited to:

- Noncitizens who have entered and remain in the U.S. illegally (without valid INS documents), or
- Noncitizens who have remained illegally beyond their departure date, or
- Noncitizens entering the country on work permits.

Noncitizen applicants or recipients who refuse to cooperate with the Social Services Agency or who are in the U.S. illegally or for temporary residence only are NOT eligible for CalWORKs or Food Stamps.

Recipients are required to report all changes in immigration status. When immigration status changes occur that cause ineligibility, aid to CalWORKs and Food Stamps must be discontinued for the affected individual as soon as an adequate and timely notice of action can be given. Persons who lose full-scope Medi-Cal benefits would be eligible for restricted Medi-Cal benefits, if otherwise eligible.



## 2.4 Verification

The Immigration Reform Control Act (IRCA) mandates that the immigration status of each noncitizen must be verified with INS as a condition of eligibility for CalWORKs, Food Stamps and full-scope Medi-Cal. The Systematic Alien Verification for Entitlements (SAVE) is the system designated by INS to provide this information.

Exception:

SAVE is not initiated for restricted Medi-Cal benefits.

Exception:

RCA and GA applicants or recipients are excluded from the SAVE procedure. However, if the RCA or GA cash case contains Food Stamps, SAVE must be completed immediately.

Customers must provide valid INS documentation of noncitizen status before the Alien Number is entered into SAVE to obtain INS confirmation.

If at reinvestigation or after a break in aid of less than 30 days, the case contains a INS verification and the applicant or recipient states that their noncitizen status documentation is lost, the previous INS verification can be accepted.



## 2.5 Program Eligibility

Refer to the following charts for eligible immigration status for specific programs.

## 2.5.1 CalWORKs

IMMIGRATION STATUS FOR CALWORKS	PRIOR to 8/22/96		ON or AFTER 8/22/96 (XRef-2.2.17)		DOCUMENTATION may include but is not limited to:
	Federal	State	Federal	State	
Refugee INA § 207	X		X		<ul style="list-style-type: none"> <li>I-94 annotated with Section 207 of the INA</li> <li>I-688B annotated with 274a.12(a)(3)</li> <li>I-766 annotated "A3"</li> <li>I-571</li> </ul> <p>[Refer to Chapter 3.20]</p>
Asylee INA § 208, 208(a)	X		X		<ul style="list-style-type: none"> <li>I-94 with stamp showing Section 208 or 208(a) of the INA</li> <li>I-688B annotated with 274a.12(a)(5)</li> <li>I-766 annotated "A5"</li> <li>Grant letter from INS or Asylum Office</li> <li>Order of an immigration judge granting asylum</li> </ul> <p>[Refer to Chapter 3.3]</p>
Parolee for 1 year or more INA § 212(d)(5)	X			X <sup>a</sup>	<ul style="list-style-type: none"> <li>I-94 annotated with Section 207 of the INA</li> <li>I-688B annotated with 274a.12(a)(3)</li> <li>I-766 annotated "A3"</li> <li>I-571</li> </ul> <p>[Refer to Chapter 3.16]</p>
Cuban/Haitian INA § 501(e)	X		X		<ul style="list-style-type: none"> <li>I-551 with code CU6, CU7, OR CH6</li> <li>Unexpired temporary I-551 stamp in foreign passport or on I-94 with code CU6 or CU7</li> </ul> <p>[Refer to Chapter 3.8]</p>
Amerasian INA § 402(a)(2)(A)(i)(v)	X		X		<ul style="list-style-type: none"> <li>I-94 annotated under 584 of Foreign Operations Export Financing &amp; Related Program Appropriations Act</li> <li>I-94 annotated AM1, AM2, or AM3</li> <li>I-551 annotated AM6, AM7, AM8, A11, A12, A16, A17, A31-33, A36-38</li> </ul> <p>[Refer to Chapter 3.1]</p>
Conditional Entrants INA § 203(a)(7)	X			X <sup>a</sup>	<ul style="list-style-type: none"> <li>I-94 "Paroled as a refugee", or "Paroled as an asylee"</li> <li>I-94 stamped showing admission under section 203(a)(7) of the INA</li> <li>I-766 annotated A3</li> </ul> <p>[Refer to Chapter 3.6]</p>

IMMIGRATION STATUS FOR CALWORKS	PRIOR to 8/22/96		ON or AFTER 8/22/96 (XRef-2.2.17)		DOCUMENTATION may include but is not limited to:
	Federal	State	Federal	State	
Withholding of Deportation/ Cancellation of Removal INA § 243(h), 241(b)(3)	X		X		<ul style="list-style-type: none"> <li>I-688B annotated with 274.12(a)(10)</li> <li>I-766 annotated "A10"</li> <li>Order from immigration judge showing deportation withheld or cancellation of removal under 243(h) or 241(b)(3)</li> </ul> <p>[Refer to Chapter 3.26]</p>
Battered Noncitizen- With Qualified Alien Status	X			X <sup>a</sup>	<ul style="list-style-type: none"> <li>I-360, with approval or pending status on I-797 or I-797C</li> <li>I-551 annotated with the one of the following codes: AR1, AR6, IB1-IB3, IB6-IB8, B11, B12, B16, B17, B20-B29, B31-B33, B36-B38, BX1-BX3, BX6-BX8, C20-C29, CF1, CF2, CR1, CR2, CR6, CR7, CX1-CX3, CX6-CX8, F20-F29, FX1-FX3, FX6-FX8, IF1, IF2, IR1-IR4, IR6-IR9, IW1, IW2, IW6, IW7, MR6, MR7, P21-P23, P26-P28</li> <li>I-551 annotated Z13 requires Secondary SAVE verification</li> <li>Foreign passport with a code listed above</li> <li>I-94 with a code listed above</li> </ul> <p>[Refer to Chapter 3.4]</p>
Veterans - With Qualified Alien Status	X		X		<ul style="list-style-type: none"> <li>Discharge certificate - DD Form 214, or equivalent</li> <li>DD Form 214 that shows 2 or more years service</li> <li>DD Form 214 with original enlistment date prior to 9/7/80</li> <li>CA 5 with adequate documentation</li> </ul> <p>[Refer to Chapter 3.24]</p>
LPR with 40 Work Quarters	X		X		<ul style="list-style-type: none"> <li>I-551</li> <li>Unexpired Temporary I-551 stamp in a foreign passport</li> </ul> <p>[Refer to Chapter 3.11]</p>
LPR without 40 Work Quarters	X			X <sup>a</sup>	<ul style="list-style-type: none"> <li>I-551</li> <li>Unexpired Temporary I-551 stamp in a foreign passport</li> </ul> <p>[Refer to Chapter 3.11]</p>

IMMIGRATION STATUS FOR CALWORKS	PRIOR to 8/22/96		ON or AFTER 8/22/96 (XRef-2.2.17)		DOCUMENTATION may include but is not limited to:
	Federal	State	Federal	State	
PRUCOLs not listed above		X		X	<ul style="list-style-type: none"> <li>I-94 "Paroled as a Refugee, Humanitarian Parolee or Public Interest Parolee</li> <li>I-688B annotated: 274a.12(c)11; 274a.12(c)12 or 274a.12(c)13</li> <li>Other documentation from INS declaring their status</li> </ul> <p>[Refer to Chapter 3.19]</p>
Hmong/Highland Laotian	X <sup>b</sup>		X <sup>b</sup>		<ul style="list-style-type: none"> <li>I-94</li> <li>I-151 annotated RE1, RE2, RE3, RE6, RE7, RE8, R86, IC6, and IC7</li> <li>I-551 annotated RE1, RE2, RE3, RE6, RE7, RE8, R86, IC6, and IC7</li> </ul> <p>[Refer to Chapter 3.12]</p>
Cross Border Indians (Jay Treaty)	X				<ul style="list-style-type: none"> <li>INS documentation of Indian Tribe</li> <li>Membership card, or</li> <li>Other tribal document</li> </ul> <p>[Refer to Chapter 3.7 &amp; 3.13]</p>

a. 1st five years from date of status, then federally eligible

b. Ineligible unless Refugee INS § 207

## 2.5.2 Refugee Cash Assistance (RCA)

IMMIGRATION STATUS FOR REFUGEES	PRIOR to 8/22/96	ON or AFTER 8/22/96 (Xref - 2.2.17)	DOCUMENTATION may include but is not limited to:
	Federal	Federal	
Refugee INA § 207	X	X	<ul style="list-style-type: none"> <li>• I-94 annotated with Section 207 of the INA</li> <li>• I-688B annotated with 274a.12(a)(3)</li> <li>• I-766 annotated "A3"</li> <li>• I-571</li> </ul> <p>[Refer to Chapter 3.20]</p>
Asylee INA § 208, 208(a)	X	X	<ul style="list-style-type: none"> <li>• I-94 with stamp showing Section 208 or 208(a) of the INA</li> <li>• I-688B annotated with 274a.12(a)(5)</li> <li>• I-766 annotated "A5"</li> <li>• Grant letter from INS or Asylum Office</li> <li>• Order of an immigration judge granting asylum</li> </ul> <p>[Refer to Chapter 3.3]</p>
Parolee for 1 year or more INA § 212(d)(5)	X	X	<ul style="list-style-type: none"> <li>• I-94 annotated with Section 207 of the INA</li> <li>• I-688B annotated with 274a.12(a)(3)</li> <li>• I-766 annotated "A3"</li> <li>• I-571</li> </ul> <p>[Refer to Chapter 3.16]</p>
Cuban/Haitian INA § 501(e)	X	X	<ul style="list-style-type: none"> <li>• I-551 with code CU6, CU7, OR CH6</li> <li>• Unexpired temporary I-551 stamp in foreign passport or on I-94 with code CU6 or CU7</li> </ul> <p>[Refer to Chapter 3.8]</p>
Amerasian INA § 402(a)(2) (A)(i)(v)	X	X	<ul style="list-style-type: none"> <li>• I-94 annotated under 584 of Foreign Operations, Export Financing &amp; Related Program Appropriations Act</li> <li>• I-94 annotated AM1, AM2, or AM3</li> <li>• I-551 annotated AM6, AM7, AM8, A11, A12, A16, A17, A31-33, A36-38</li> </ul> <p>[Refer to Chapter 3.1]</p>
Conditional Entrant INA § 203(a)(7)	X	X	<ul style="list-style-type: none"> <li>• I-94 "Paroled as a refugee", or "Paroled as an asylee"</li> <li>• I-94 stamped showing admission under section 203(a)(7) of the INA</li> <li>• I-766 annotated A3</li> </ul> <p>[Refer to Chapter 3.6]</p>

IMMIGRATION STATUS FOR REFUGEES	PRIOR to 8/22/96	ON or AFTER 8/22/96 (Xref - 2.2.17)	DOCUMENTATION may include but is not limited to:
	Federal	Federal	
Withholding of Deportation/ Cancellation of Removal INA § 243(h), 241(b)(3)	X	X	<ul style="list-style-type: none"> <li>• I-688B annotated with 274.12(a)(10)</li> <li>• I-766 annotated "A10"</li> <li>• Order from immigration judge showing deportation withheld or cancellation of removal under 243(h) or 241(b)(3)</li> </ul> <p>[Refer to Chapter 3.26]</p>



## 2.5.3 Food Stamps

IMMIGRATION STATUS FOR FOOD STAMPS	FEDERAL	STATE (CFAP)		DOCUMENTATION may include but is not limited to:
		Prior to 8/22/96	On or After 8/22/96 (Xref - 2.2.17)	
Refugee INA § 207	7-year time limit from the date admitted	Yes When federal time limit is expired	Yes When federal time limit is expired, IF Sponsored/sponsor is dead, disabled or abusive OR Time-Limited CFAP (10/1/99-9/30/00)	<ul style="list-style-type: none"> <li>I-94 annotated with Section 207 of the INA</li> <li>I-688B annotated with 274a.12(a)(3)</li> <li>I-766 annotated "A3"</li> <li>I-571</li> </ul> [Refer to Chapter 3.20]
Asylee INA § 208, 208(a)	7-year time limit from the date granted	Yes When federal time limit is expired	Yes When federal time limit is expired, IF Sponsored/sponsor is dead, disabled or abusive OR Time-Limited CFAP (10/1/99-9/30/00)	<ul style="list-style-type: none"> <li>I-94 with stamp showing Section 208 or 208(a) of the INA</li> <li>I-688B annotated with 274a.12(a)(5)</li> <li>I-766 annotated "A5"</li> <li>Grant letter from INS or Asylum Office</li> <li>Order of an immigration judge granting asylum</li> </ul> [Refer to Chapter 3.3]
Parolee for 1 year or more INA § 212(d)(5)	Must meet 402 criteria of PRWORA <sup>a</sup>	Yes	Yes When federal time limit is expired, IF Sponsored/sponsor is dead, disabled or abusive OR Time-Limited CFAP (10/1/99-9/30/00)	<ul style="list-style-type: none"> <li>I-94 annotated with Section 207 of the INA</li> <li>I-688B annotated with 274a.12(a)(4) or (c)(11)</li> <li>I-766 annotated "A3"</li> <li>I-571</li> </ul> [Refer to Chapter 3.16]
Cuban/Haitian INA § 501(e)	7-year time limit from the date granted	Yes When federal time limit is expired	Yes When federal time limit is expired, IF Sponsored/sponsor is dead, disabled or abusive OR Time-Limited CFAP (10/1/99-9/30/00)	<ul style="list-style-type: none"> <li>I-551 with code CU6, CU7, OR CH6</li> <li>Unexpired temporary I-551 stamp in foreign passport or on I-94 with code CU6 or CU7</li> </ul> [Refer to Chapter 3.8]

IMMIGRATION STATUS FOR FOOD STAMPS	FEDERAL	STATE (CFAP)		DOCUMENTATION may include but is not limited to:
		Prior to 8/22/96	On or After 8/22/96 (Xref - 2.2.17)	
Amerasian INA § 402(a)(2) (A)(i)(v)  (Must be a qualified alien as defined in Title 8 1614(b) [431 PRWORA])	7-year time limit from the date admitted	Yes When federal time limit is expired	Yes When federal time limit is expired, IF Sponsored/sponsor is dead, disabled or abusive OR Time-Limited CFAP (10/1/99-9/30/00)	<ul style="list-style-type: none"> <li>• I-94 annotated under 584 of Foreign Operations, Export Financing &amp; Related Program Appropriations Act</li> <li>• I-94 annotated AM1, AM2, or AM3</li> <li>• I-551 annotated AM6, AM7, AM8, A11, A12, A16, A17, A31-33, A36-38</li> </ul> <p>[Refer to Chapter 3.1]</p>
Conditional Entrant INA § 203(a)(7)	Must meet 402 criteria of PRWORA <sup>a</sup>	INELIG- IBLE	INELIGIBLE	<ul style="list-style-type: none"> <li>• I-94 "Paroled as a refugee", or "Paroled as an asylee"</li> <li>• I-94 stamped showing admission under section 203(a)(7) of the INA</li> <li>• I-766 annotated A3</li> </ul> <p>[Refer to Chapter 3.6]</p>
Withholding of Deportation/ Cancellation of Removal INA § 243(h), 241(b)(3)	7-year time limit from the date of status	Yes When federal time limit is expired	Yes When federal time limit is expired, IF Sponsored/sponsor is dead, disabled or abusive OR Time-Limited CFAP (10/1/99-9/30/00)	<ul style="list-style-type: none"> <li>• I-688B annotated with 274.12(a)(10)</li> <li>• I-766 annotated "A10"</li> <li>• Order from immigration judge showing deportation withheld or cancellation of removal under 243(h) or 241(b)(3)</li> </ul> <p>[Refer to Chapter 3.26]</p>

IMMIGRATION STATUS FOR FOOD STAMPS	FEDERAL	STATE (CFAP)		DOCUMENTATION may include but is not limited to:
		Prior to 8/22/96	On or After 8/22/96 (Xref - 2.2.17)	
Battered Noncitizen- With Qualified Alien Status and a petition pending under 204(a)(1)(A) or (B); or 244(a)(3) in effect prior to 4/1/97; or 240A(b)(2)	Must meet 402 criteria of PRWORA <sup>a</sup>	Yes Effective 8/1/99	Yes IF Sponsored/sponsor is dead, disabled or abusive OR Time-Limited CFAP (10/1/99-9/30/00)	<ul style="list-style-type: none"> <li>I-360, with approval or pending status on I-797 or I-797C</li> <li>I-551 annotated with the one of the following codes: AR1, AR6, IB1-IB3, IB6-IB8, B11, BI2, B16, B17, B20-B29, B31-B33, B36-B38, BX1-BX3, BX6-BX8, C20-C29, CF1, CF2, CR1, CR2, CR6, CR7, CX1-CX3, CX6-CX8, F20-F29, FX1-FX3, FX6-FX8, IF1, IF2, IR1-IR4, IR6-IR9, IW1, IW2, IW6, IW7, MR6, MR7, P21-P23, P26-P28</li> <li>I-551 annotated Z13 requires Secondary SAVE verification</li> <li>Foreign passport with a code listed above</li> <li>I-94 with a code listed above</li> </ul> <p>[Refer to Chapter 3.4]</p>
LPR	Must meet 402 criteria of PRWORA <sup>a</sup>	Yes	Yes When federal time limit is expired, IF Sponsored/sponsor is dead, disabled or abusive OR Time-Limited CFAP (10/1/99-9/30/00)	<ul style="list-style-type: none"> <li>I-551</li> <li>Unexpired Temporary I-551 stamp in a foreign passport</li> </ul> <p>Verification of 402 criteria:</p> <ul style="list-style-type: none"> <li>SSA 40 Quarter Report or equivalent</li> <li>Discharge certificate - DD Form 214, or equivalent</li> <li>DD Form 214 that shows 2 or more years service</li> <li>DD Form 214 with original enlistment date prior to 9/7/80</li> <li>CA 5 with adequate documentation</li> </ul> <p>[Refer to Chapter 3.11 &amp; 3.24]</p>

IMMIGRATION STATUS FOR FOOD STAMPS	FEDERAL	STATE (CFAP)		DOCUMENTATION may include but is not limited to:
		Prior to 8/22/96	On or After 8/22/96 (Xref - 2.2.17)	
Hmong/Highland Laotian Tribal Members of a tribe who Aided U.S. Personnel in Vietnam	Yes	INELIGI BLE	INELIGIBLE	<ul style="list-style-type: none"> <li>• I-94</li> <li>• I-151 annotated RE1, RE2, RE3, RE6, RE7, RE8, R86, IC6, and IC7</li> <li>• I-551 annotated RE1, RE2, RE3, RE6, RE7, RE8, R86, IC6, and IC7</li> </ul> <p>[Refer to Chapter 3.12]</p>
Cross Border Indians (Jay Treaty)	Yes	INELIGI BLE	INELIGIBLE	<ul style="list-style-type: none"> <li>• INS documentation of Indian Tribe</li> <li>• Membership card, or</li> <li>• Other tribal document</li> </ul> <p>[Refer to Chapter 3.7 &amp; 3.13]</p>

a. 402 Criteria

7-year eligibility: Amerasians, Asylees, Refugees, Deportation Withheld..., Cuban/Haitian Entrants.

No time limit: LPRs with 40 quarters of work; any qualified noncitizen with a military connection (veteran, active duty, spouse/children); any qualified noncitizen lawfully in U.S. on 8/22/96 and currently under 18; any qualified noncitizen lawfully in U.S. on 8/22/96 and disabled or blind; any qualified noncitizen lawfully in U.S. and 65 or older on 8/22/96.

## 2.5.4 Medi-Cal

IMMIGRATION STATUS FOR FULL SCOPE MEDI-CAL	PRIOR to 8/22/96		ON or AFTER 8/22/96 (Xref - 2.2.17)		DOCUMENTATION may include but is not limited to:
	Federal	State	Federal	State	
Refugee INA § 207	X		X		<ul style="list-style-type: none"> <li>• I-94 annotated with Section 207 of the INA</li> <li>• I-688B annotated with 274a.12(a)(3)</li> <li>• I-766 annotated "A3"</li> <li>• I-571</li> </ul> <p>[Refer to Chapter 3.20]</p>
Asylee INA § 208, 208(a)	X		X		<ul style="list-style-type: none"> <li>• I-94 with stamp showing Section 208 or 208(a) of the INA</li> <li>• I-688B annotated with 274a.12(a)(5)</li> <li>• I-766 annotated "A5"</li> <li>• Grant letter from INS or Asylum Office</li> <li>• Order of an immigration judge granting asylum</li> </ul> <p>[Refer to Chapter 3.3]</p>
Parolee for 1 year or more INA § 212(d)(5)	X			X <sup>a</sup>	<ul style="list-style-type: none"> <li>• I-94 annotated with Section 207 of the INA</li> <li>• I-688B annotated with 274a.12(a)(3)</li> <li>• I-766 annotated "A3"</li> <li>• I-571</li> </ul> <p>[Refer to Chapter 3.16]</p>
Cuban/Haitian INA § 501(e)	X		X		<ul style="list-style-type: none"> <li>• I-551 with code CU6, CU7, OR CH6</li> <li>• Unexpired temporary I-551 stamp in foreign passport or on I-94 with code CU6 or CU7</li> </ul> <p>[Refer to Chapter 3.8]</p>
Amerasian INA § 402(a)(2) (A)(i)(v)	X		X		<ul style="list-style-type: none"> <li>• I-94 annotated under 584 of Foreign Operations, Export Financing &amp; Related Program Appropriations Act</li> <li>• I-94 annotated AM1, AM2, or AM3</li> <li>• I-551 annotated AM6, AM7, AM8, A11, A12, A16, A17, A31-33, A36-38</li> </ul> <p>[Refer to Chapter 3.1]</p>

IMMIGRATION STATUS FOR FULL SCOPE MEDI-CAL	PRIOR to 8/22/96		ON or AFTER 8/22/96 (Xref - 2.2.17)		DOCUMENTATION may include but is not limited to:
	Federal	State	Federal	State	
Conditional Entrant INA § 203(a)(7)	X		X		<ul style="list-style-type: none"> <li>I-94 "Paroled as a refugee", or "Paroled as an asylee"</li> <li>I-94 stamped showing admission under section 203(a)(7) of the INA</li> <li>I-766 annotated A3</li> </ul> <p>[Refer to Chapter 3.6]</p>
Withholding of Deportation/ Cancellation of Removal INA § 243(h), 241(b)(3)	X			X <sup>a</sup>	<ul style="list-style-type: none"> <li>I-688B annotated with 274.12(a)(10)</li> <li>I-766 annotated "A10"</li> <li>Order from immigration judge showing deportation withheld or cancellation of removal under 243(h) or 241(b)(3)</li> </ul> <p>[Refer to Chapter 3.26]</p>
Battered Noncitizen- With Qualified Alien Status		X <sup>b</sup>	X		<ul style="list-style-type: none"> <li>I-797 or I-797C indicating approval or pending status of an I-130 or I-360</li> <li>I-551 annotated with the one of the following codes: AR1, AR6, IB1-IB3, IB6-IB8, B11, BI2, B16, B17, B20-B29, B31-B33, B36-B38, BX1-BX3, BX6-BX8, C20-C29, CF1, CF2, CR1, CR2, CR6, CR7, CX1-CX3, CX6-CX8, F20-F29, FX1-FX3, FX6-FX8, IF1, IF2, IR1-IR4, IR6-IR9, IW1, IW2, IW6, IW7, MR6, MR7, P21-P23, P26-P28</li> <li>I-551 annotated Z13 requires Secondary SAVE verification</li> <li>Foreign passport with a code listed above</li> <li>I-94 with a code listed above</li> </ul> <p>[Refer to Chapter 3.4]</p>
LPRs	X		X <sup>c</sup>	X <sup>a</sup>	<ul style="list-style-type: none"> <li>I-551</li> <li>Unexpired Temporary I-551 stamp in a foreign passport</li> </ul> <p>[Refer to Chapter 3.11]</p>

IMMIGRATION STATUS FOR FULL SCOPE MEDI-CAL	PRIOR to 8/22/96		ON or AFTER 8/22/96 (Xref - 2.2.17)		DOCUMENTATION may include but is not limited to:
	Federal	State	Federal	State	
PRUCOLs (who are not qualified aliens)		X		X	<ul style="list-style-type: none"> <li>I-94 "Paroled as a Refugee, Humanitarian Parolee or Public Interest Parolee</li> <li>I-688B annotated: 274a.12(c)11; 274a.12(c)12; or 274a.12(c)13</li> <li>Other documentation from INS declaring their status</li> </ul> <p>[Refer to Chapter 3.19]</p>
Amnesty		X		X	<ul style="list-style-type: none"> <li>I-688 Section 210 or 245A</li> </ul> <p>[Refer to Chapter 3.2]</p>
Cross Border Indians (Jay Treaty)	X			X <sup>a</sup>	<ul style="list-style-type: none"> <li>INS documentation of Indian Tribe</li> <li>Membership card, or</li> <li>Other tribal document</li> </ul> <p>[Refer to Chapter 3.7 &amp; 3.13]</p>

- a. 1st five years from date of status, then federal
- b. Refer to Chapter 3.4
- c. LPRs who are exempt from the 5 year bar

## 3. Noncitizen Categories



### 3.1 Amerasians

#### 3.1.1 Definition

Amerasians are Southeast Asian children fathered by United States citizens and born in Southeast Asia. Amerasians are eligible to immigrate to the U.S. under various immigration laws. Spouses, children, parents, or guardians may accompany the immigrating Amerasian.

Amerasians were admitted pursuant to provisions of Section 584 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1988, Pub. Law No. 100-202, also known as the “Amerasian Homecoming Act”. Amerasians are not sponsored.

#### 3.1.2 Rule

Amerasians have immigrant status but are eligible for Refugee Cash Assistance (RCA), Refugee Medical Assistance (RMA) and social services. Establish aid for them in the same manner as for all other time-eligible refugees.

Amerasians with U.S. passports have citizenship status but are eligible for RCA/RMA as though they were refugees. They must meet certain criteria to receive RCA or RMA, and services.

When the following criteria is met, the Amerasian is called the “principal alien”:

- Establishing they were born in Vietnam after January 1, 1962 and before January 1, 1976, and
- Establishing that they were fathered by a U.S. citizen, and
- Being an Amerasian U.S. citizen rather than an immigrant.

The following relatives of the “principal alien” are also eligible with Amerasian status:



- Spouse or child of a principal alien who accompanies or follows to join the principle alien, or
- Is the natural mother (or spouse or child of such mother) or one who has acted in effect as the principal alien's mother, father, or next of kin, (or is the spouse or child of such an alien), and is accompanying, or following to join, the principal alien.

As an noncitizen lawfully admitted for permanent residence, Amerasian immigrants from Vietnam are "qualified aliens" who meet the "exception criteria".

### 3.1.3 Documents

The following documents are acceptable verification of Amerasian status:

- I-94 stamped with codes AM1, AM2, AM3, AM6, AM7, AM8, A11, A12, A16, A17, A31-33, A36-38
- The I-94 is stamped on the front, in the upper right corner, "Processed for I-551. Temporary evidence of lawful admission for permanent resident. Valid until \_\_\_\_\_. Employment authorized." The back of the I-94 will show the A-Number in box #20. A-Numbers in the immigrant series (beginning with 4) will be used. The unique identifier on the I-94 will appear in block #26, the comments section. An I-551 will be issued as soon as it can be manufactured and mailed
- I-551 stamped with codes AM1, AM2, AM3, AM6, AM7, AM8, A11, A12, A16, A17, A31-A33, and A36-A38
- Vietnamese Exit Visa or Vietnamese Passport if stamped with AM1, AM2, or AM3
- United States passport. [Refer to Chapter 3.1.2 "Rule", p. 3-29]

### 3.1.4 INS Coding

The following INS coding indicates noncitizen status for Amerasians:

INS DOCUMENT	INS CODE
I-94	Amerasian under 584 of Foreign Operations, Export Financing & Related Program Appropriations Act
I-94	AM1, AM2, AM3

INS DOCUMENT	INS CODE
I-551	AM1, AM2, AM3, AM6, AM7, AM8, A11, A12, A16, A17, A31-A33, A36-A38
Vietnamese Exit Visa	None
Vietnamese or U.S. Passport	Stamped AM1, AM2 or AM3

### 3.1.5 Program Eligibility

[Refer to Chapter 2.5 “Program Eligibility”, p. 2-16]



## 3.2 Amnesty (IRCA)

### 3.2.1 Definition

Amnesty noncitizens are unauthorized or illegal noncitizens who were given the opportunity to legalize their immigration status. The Immigration Reform and Control Act (IRCA) was enacted in 1986 to grant certain individuals amnesty.

The IRCA Amnesty program has ended. However, there are still IRCA individuals whose INS status has not been resolved.

### 3.2.2 Background

IRCA allowed certain noncitizens residing unlawfully in the U.S. to apply for permanent residency status if they could otherwise qualify as legal residents under INS guidelines. IRCA included:

- Pre-1982 Amnesty Aliens — INA Section 245A (general amnesty)
- Special Agricultural Workers (SAWs) — INA Section 210 (farmworkers)
- Replenishment Agricultural Workers (RAWs) — INA Section 210A
- Cuban-Haitian Entrants — INA Section 212
- Registry Aliens Pre-1972 Amnesty — INA Section 249.

After the initial interview for legalization, the noncitizen was given an “Employment Authorization Card” (I-688A). The I-688A was valid for six months from the date of issuance, then expired.

Noncitizens granted temporary resident status were issued a “Temporary Resident Card” (I-688). The expiration date is printed on the card.

Noncitizens granted permanent resident status are issued a “Resident Alien Card” (I-551).

### 3.2.3 Filing Dates

The following chart shows the filing dates for IRCA noncitizens.

IRCA Category	Filing Date	5 Years Period Ended On:
Amnesty	5/5/87	5/5/92
TRS under IRCA	5/1/87 - 5/4/88	5/4/93
SAWS only	11/30/88	11/30/93
Zambrano	12/29/89	12/29/94

### 3.2.4 Section 245A - “Pre-1982 Amnesty Aliens”

Section 245A amnesty noncitizens are also known as the “Pre-1982 Amnesty Aliens”. Noncitizens who lived in the U.S. illegally before January 1, 1982, could apply for Temporary Resident Status (TRS) from May 5, 1987 to May 4, 1988.

Noncitizens who were granted TRS under Section 245A were given a time-limited I-688 when amnesty was granted. They were eligible to apply for Permanent Resident Status (PRS) after serving 18 months in TRS. In order to remain legally in the U.S., a TRS noncitizen had to request adjustment of status by the end of the 30th month. INS was required to then issue an I-551.

**Note:**

If INS attached a label to the back of the I-688 noting: “PRS processed for I-551”, it means the noncitizen has been granted PRS. INS may also have attached a sticker(s) or a card may be attached which has holes punched to indicate month/year of expiration extending the validity of the card past the 5-year limit if they are still processing the paperwork. The customer must have a current sticker or card with holes punched indicating appropriate extension to be eligible.

Follow these rules to determine current status:

IF...	THEN...
INS did not grant PRS,	The noncitizen is now undocumented.
INS did not extend the TRS expiration date,	The noncitizen is now undocumented.
The I-688 sticker states "Processed for I-551"	INS has granted PRS.
The I-688 sticker states "INS Valid for One (1) Year from Expiration Date",	The noncitizen's TRS has been extended.
The I-688 has a hole punched card extending the expiration date,	The noncitizen's TRS has been extended.
The I-688 states "INS Valid for 90 Days from Expiration Date",	The noncitizen's TRS has been extended.

### 3.2.5 Section 210 - SAWS

Section 210 amnesty aliens are the Special Agricultural Workers (SAWS). Noncitizens who lived in the U.S. and worked in perishable crop agriculture, under certain criteria, were eligible to apply for TRS.

SAWS noncitizens were issued the I-688A while approval for TRS was pending. INS then issued the I-688 to SAWS noncitizens who have had their status legalized. INS issued an I-551 with class code 210 to SAWS noncitizens who have had their status adjusted to PRS.

### 3.2.6 Section 210A - RAWs

The Replenishment Agricultural Workers (RAWs) program was never needed in California and was not implemented by INS. Proposed regulations were issued to officially end this program.

### 3.2.7 Section 212(d)(5)- Immigrants/Asylees prior to Jan. 1, 1982

Cuban-Haitian Entrants admitted to the U.S. prior to January 1, 1982 as immigrants or asylees, and persons who received a Cuban-Haitian designation before November 6, 1986, under INA Section 212(d)(5), could apply for immediate adjustment to PRS under Section 202 of IRCA. An I-551 is issued when PRS is granted.

### 3.2.8 Section 249 - "Registry Aliens" pre-1972

Persons in undocumented status prior to January 1, 1972, who lived continuously in the U.S. since that time, could apply for immediate adjustment to PRS. Registry noncitizens are issued an I-551 when PRS has been granted.

### 3.2.9 Rule

Effective 5/5/92, amnesty aliens who completed the five-year period of ineligibility and are granted PRS are eligible to receive CalWORKs, Food Stamps and Medi-Cal benefits, if otherwise eligible.

Exception:

Section 210 noncitizens, see chart below.

The five-year moratorium begins with the person's "Date of Adjustment" to TRS. When the moratorium ends five years later, the following applies:

Section 210	Sections 212, 245A and 249
Amnesty aliens DO NOT have to show proof of PRS to be eligible for public benefits.	Amnesty aliens MUST show proof that PRS has been granted to be eligible for public benefits.

### 3.2.10 Date of Adjustment

The noncitizen's five-year period of ineligibility began with the date the noncitizen was granted lawful TRS. On INS documents this date is referred to as the "Date of Adjustment". This date was used to determine the five-year period of ineligibility.

The "Date of Adjustment" was established when the noncitizen paid their fees when originally applying for amnesty. Ask the customer to provide one of the following documents (if not already on file) to determine the "Date of Adjustment":

#### I-551

Two different versions of the I-551 were issued during the time frame that affects amnesty aliens. Earlier examples of the I-551 show the date as "temporary resident adjustment date". This date is shown on the bottom line of the back of the card and reads: "TEMP RES ADJ DATE —), followed by the date. Use this date to calculate the five-year period of ineligibility.

Key to information on the I-551:

- “TEMP RES ADJ DATE” - Month, day and year when the person became a temporary resident. This date is back-dated to the date the noncitizen filed for temporary residency. If there is no TEMP RES ADJ DATE line, the person did not get lawful permanent status through amnesty
- Code indicates whether the person became legalized under INA Section 245A or Section 210 of the SAWS program
- Date adjusted to lawful permanent status.

### I-689

When the amnesty fees are paid, INS form I-689 is issued to the noncitizen as a receipt. The date of this receipt is the “Date of Adjustment” to Temporary Resident Status (TRS) and can be used to calculate the five-year period of ineligibility.

Note:

INS Form I-688 does NOT provide verification of the “TRS adjustment date”.

## 3.2.11 Unable to Determine Adjustment Date

If the I-551 or I-689 is not available or does not provide the “Date of Adjustment”, the county must use Secondary SAVE “Document Verification Request” (G-845) to request verification of the TRS adjustment date for individual requests.

INS form G-845 does not have a specific space for requesting the date of adjustment. INS has provided the following instructions for counties when requesting this information:

At the top of the G-845, in the right column, is a large box headed “8. (Benefit)”. The bottom 1/3 of the box provides a blank space where the county should insert the following message:

“Status Verifier: Please provide the date of adjustment to temporary resident status”.

For further instructions regarding the completion of the G-845, [Refer to Chapter 6 “SAVE”, p. 6-128]

### 3.2.12 INS Coding

The following INS coding indicates amnesty alien status:

INS DOCUMENT	INS CODE
I-688	Section 210 Section 245A
I-551	Section 210: S16, S26 Section 245A: W16, W26, and W36 Section 212: CH6 01M, MP5

### 3.2.13 Tracking Amnesty Aliens

In order to comply with the CalWORKs mandatory AU inclusion rule, all potentially eligible amnesty (IRCA) alien members of existing filing units must be identified and coded in the case record.

### 3.2.14 Program Eligibility

Section 245A amnesty aliens were disqualified for five years from the date of entry from receiving:

- CalWORKs
- Food Stamps
- Full-scope Medi-Cal.

Exception:

Amnesty aliens who are aged, blind, disabled or under 18 years of age could be eligible for full-scope benefits prior to the five-year period.

Section 210 amnesty aliens were disqualified for five years from the date of entry from receiving:

- CalWORKs
- Full-scope Medi-Cal.

Exception:

Amnesty aliens who are aged, blind, disabled or under 18 years of age could be eligible for full-scope benefits prior to the five-year period.

### 3.2.15 CalWORKs

CalWORKs has the mandatory AU inclusion rule. All eligible amnesty aliens were to be added as of the date of their 5th anniversary. Section 210 amnesty aliens could automatically be added without proof of PRS; however, Section 212(d)(5), 245A and 249 amnesty aliens had to show proof of obtaining PRS before being included on CalWORKs.

Exception:

A noncitizen child legalized by IRCA (in temporary status), who would have been eligible for Federal CalWORKs Foster Care except for their citizenship status, becomes eligible for Federal CalWORKs Foster Care payments.

### 3.2.16 Medi-Cal

Amnesty aliens (under Sections 210, 210A or 245A) are entitled to full-scope benefits if they meet all other Medi-Cal eligibility criteria and are:

- Aged, blind, or disabled, or
- Under 18 years of age, or
- More than 5 years have elapsed since the date the noncitizen was granted lawful temporary resident status (TRS).

Counties must evaluate immigration status at the time of the Amnesty Aliens's Medi-Cal application and redetermination. Full-scope benefits were approved effective the month of the customer's request, to otherwise eligible amnesty aliens who:

- Are aged, blind, disabled, or under 18 years old, and provide INS document I-688 or I-551 verifying TRS or LPR status
- Provide an I-551 which verifies that they have attained LPR status, and five years have elapsed since their TRS adjustment date
- Provide a current and valid I-688 with an extension, who have not been issued an I-551, and for whom five years have passed since their TRS adjustment date.

All other amnesty (IRCA) noncitizens not included in one of the above categories are entitled only to restricted Medi-Cal benefits (emergency care and pregnancy-related services). However, an amnesty alien who declares Satisfactory Immigration Status (SIS) and follows PRUCOL procedures may be eligible for full-scope benefits.



Counties must obtain a new MC 13 when there is a change in noncitizen status or in the level of Medi-Cal benefits.

### 3.2.17 Food Stamps

To be eligible to receive Food Stamps, individuals must meet the PRWORA 402 requirements.



## 3.3 Asylees

### 3.3.1 Definition

An asylee is a person who has been granted asylum under Section 208 or 208(a) of the Immigration and Naturalization Act. Persons already present in the U.S. who meet the requirements for refugee status because they fear persecution in their home country can apply for asylum. Persecution could be based on political opinion, race, religion, nationality or membership in a particular social group, including sexual orientation, or opposition to population-control methods such as forced abortion and involuntary sterilization.

### 3.3.2 Rule

An “applicant” for asylum is not eligible for public assistance benefits. Asylum must have been “granted” for an individual to qualify for public assistance.

“Recommended” for asylum is not the same as granting of asylum. The applicant will have a written decision from INS or a letter from an immigration judge that states asylum has been granted. Asylees are not sponsored aliens.

For refugee programs, persons who have been “granted” asylum are eligible for RCA/RMA for 8 months from their date of entry. The date of entry (DOE) into the U.S. starts the 8 month count, not the date asylum is granted.

#### Exception:

Time eligibility for Kurds and Iraqis with the designation of “Asylum Granted Indefinitely pursuant to Section 208 of the INA” or it may reference 208(a), on their I-94, is counted from the date asylum was granted NOT their date of entry.

### 3.3.3 Documents

The following documents are acceptable verification of asylee status:

- An I-94 stating asylum granted per Section 208 or 208(a) of the INA, or
- An I-551 indicating INS codes AS6, AS7, or AS8, or
- An I-688B with the “Provision of Law” citation: 274a.12(a)(5) or 274a.12(c)(8); and a letter from the U.S. Department of Justice, Immigration and Naturalization Services, or the INS district director granting asylum. Not all letters will be the same but must state specifically that asylum has been granted.

### 3.3.4 INS Coding

The following INS coding indicates noncitizen status for asylees:

INS DOCUMENT	INS CODE
I-94	Granted asylum under section 208, 208(a)
I-551 I-151	AS6, AS7, AS8
I-688B	274a.12(a)(5), or 274a.12(c)(8), plus letter granting asylum
I-766	Annotated A5
Letter	Grant letter from the Asylum Office of INS
Order	Order of an immigration judge granting asylum

### 3.3.5 Program Eligibility

[Refer to Chapter 2.5 “Program Eligibility”, p. 2-16]



## 3.4 Battered Noncitizens

### 3.4.1 Definition

Battered noncitizens are:

- Noncitizens who have been abused

## Noncitizen Categories

- Noncitizens whose children have been abused, or
- Noncitizen child(ren) whose parent has been abused.

Battered noncitizens must meet the requirements in Section 3.4.2.

The customer can call the National Domestic Violence Hotline at 1-800-799-7233 for more information or the local legal aid office or an immigration attorney.

### 3.4.2 Rule

The four rules/requirements listed below are detailed more carefully in Section 3.4.3, p. 3-41.

The Battered Noncitizen Requirements are:

Requirement 1: The noncitizen has an approved petition or a pending petition which sets forth a prima facie (apparent) case from INS or the “Executive Office for Immigration Review” (EOIR). [Refer to Chapter 3.4.3 “Program Eligibility”, p. 3-41]

Requirement 2: The noncitizen or the noncitizen’s child or parent has been battered or subjected to extreme cruelty within the U.S. by his/her spouse, parent, or member of family residing in the same household. [Refer to Chapter 3.4.3 “Program Eligibility”, p. 3-41]

Requirement 3: There is a substantial connection between the abuse and the need for benefits.[Refer to Chapter 3.4.3 “Program Eligibility”, p. 3-41]

Requirement 4: The noncitizen no longer resides with the batterer. [Refer to Chapter 3.4.3 “Program Eligibility”, p. 3-41]

CalWORKs customers must only meet Requirement #1 and will be funded as state only (PRUCOL). Food Stamps and Medi-Cal customers must meet Requirements #1-4 and are federally funded as qualified aliens. See chart below:

Program	Requirements	Immigration Status	Funding
CalWORKs	Only needs to meet criteria of Requirement #1	ALL will be PRUCOL	State-Only *

Program	Requirements	Immigration Status	Funding
Food Stamps	Must meet criteria of Requirements #1-4 and Meets PRWORA 401/402 requirements	Qualified Alien	Federal
			CFAP - if Qualified Alien but 401/402 requirements not met
Medi-Cal	If they meet all 4 requirements	Qualified Alien	Federal
	If they do not meet all 4 requirements	PRUCOL	State-Only

\* Use existing aid codes for state-funded and mixed cases.

## Who Determines Abuse

Information regarding which agency makes the determination of abuse is as follows:

Petition:	Abuse Determination Made By:
Self-petition	INS
Self-petition - Widow(er)	County *
Family Based	County *
Cancellation of Removal/Suspension of Deportation	EOIR

\* Follow Domestic Abuse Regulations to determine abuse for this category.

### 3.4.3 Program Eligibility

Battered noncitizens must meet certain criteria requirements.

- CalWORKs customers only need to meet the 1st Requirement
- Food Stamps and Medi-Cal customers must meet Requirements #1 - 4.

## Requirement 1

### Self-Petitioning:

The self-petitioning (except for the self-petitioning widow) noncitizen must have a petition from INS or EOIR indicating:

- Approval, or
- Pending status which sets forth a prima facie case.

[Refer to Chapter 3.4.4 “Documents”, p. 3-44]

The “APPROVAL” requirement is met by viewing one of the following documents:

- I-797 or I-797C [Refer to Chapter 3.4.4 “Documents”, p. 3-44] that indicates:
  - Approval of the I-360 petition titled “Petition for Amerasian, Widow, or Special Immigrant” based on the self-petitioning spouse or child of an abusive U.S. citizen or LPR
- Final order or notice from:
  - Immigration Judge
  - Board of Immigration Appeals, or
  - Federal court granting suspension of deportation or cancellation of removal.

The “PRIMA FACIE” determination is met by any of the following documents:

- I-797 indicating that the applicant has established a prima facie case
- I-797C indicating that the applicant has established a prima facie case
- An immigration court or Board of Immigration Appeals order indicating that the applicant has established a prima facie case for suspension of deportation or cancellation of removal.

### Family Based or Self-Petitioning Widow/Widower:

The Family Based or Self-Petitioning Widow/Widower noncitizen must have an approved petition from INS and a determination of abuse made by the county.

[Refer to Chapter 3.4.2 “Who Determines Abuse”, p. 40]

The “APPROVAL” requirement is met by viewing one of the following documents:

- I-797 or I-797C [Refer to Chapter 3.4.4 “Documents”, p. 3-44] that indicates:
  - Family Based - Approval of the I-130 petition based on the following relationships: husbands or wives of U.S. citizens or LPRs, unmarried children under 21 years old of U.S. citizens or LPRs, or the unmarried sons or daughters age 21 or older of LPRs

- Self-Petitioning Widow/Widower - Approval of the I-360 petition titled “Petition for Amerasian, Widow, or Special Immigrant” based on the self-petitioning widow/widower of an U.S. citizen or LPR.

Derivative Beneficiaries: Derivative beneficiaries are unmarried children under age 21. The unmarried children under age 21 may be listed on the initial petition application. The prima facie or approved petition will not list their names. These children are eligible if the applicant is eligible; but the children cannot be aided until verification is received from the Vermont Service Center.

Verification of Requirement 1 must be completed through the Vermont Service Center.

## Requirement 2

One of the following must have occurred:

- The noncitizen or the noncitizen’s child or parent has been battered or subjected to extreme cruelty within the U.S. by his/her spouse, parent, or member of spouse or parent’s family residing in the same household and the spouse or parent consented to or acquiesced in, such battery or cruelty. OR
- The noncitizen’s child has been battered or subjected to extreme cruelty in the U.S. by a spouse or parent of the noncitizen (without the active participation of the noncitizen in the battery or cruelty), or by a member of the spouse or parent’s family residing in the same households as the noncitizen and the spouse or parent consented or acquiesced to actively participate in such batter or cruelty. OR
- The noncitizen child resides in the same household as a parent who has been battered or subjected to extreme cruelty in the U.S. by that parent’s spouse or by a member of the spouse’s family residing in the same household as the parent and the spouse consented or acquiesced to such battery or cruelty.

## Requirement 3

A substantial connection between the abuse and the need for benefits must be provided. A connection exists if the benefits are needed to enable the noncitizen, the noncitizen’s child, and/or (in the case of a noncitizen child) the noncitizen’s parent to meet any of the following needs:

- Become self-sufficient following separation from the abuser

## Noncitizen Categories

- Escape the abuser and/or the community in which the abuser lives, or ensure safety from the abuser
- Fulfill a financial need due to loss of financial support resulting from separation from the abuser
- Fulfill a financial need caused by the loss of a job because of the circumstances of the abuse
- Provide or seek medical attention or mental health counseling, or health services due to disability resulting from the battery or extreme cruelty
- Fulfill a financial need because of the loss of a dwelling or source of income or fear of the abuser which, following separation from the abuser, jeopardizes the applicants' or the parents' ability to care for his or her children
- Alleviate nutritional risk or need resulting from the abuse or following separation from the abuser (Food Stamps only)
- Provide or seek medical care during a pregnancy resulting from the abuser's sexual assault or abuse of, or relationship with the abused noncitizen and/or care for any resulting children, OR
- Replace medical/health care services which were provided when living with the abuser.

### Requirement 4

The noncitizen must no longer reside with the batterer. A sworn statement is acceptable evidence of this.

"Battered noncitizen" status does not apply to a noncitizen during any period in which the individual responsible for such battery or cruelty resides in the same household as the individual subjected to such battery or cruelty.

### 3.4.4 Documents

Individuals applying as a battered noncitizen must have a petition filed with INS or EOIR. Either the "Petition for Amerasian, Widow or Special Immigrant" (I-360) or the "Petition for an Alien Relative" (I-130) will be filed with INS. After the petition is filed the customer may have any of the following documents.

## INS “Notice of Action” (I-797 or I-797C)

The following notices can be used to indicate that the individual is a battered noncitizen. The list includes but is not limited to just these forms:

- I-797/I-797C- Notice of Action from INS indicating filing of the I-360 petition. This is NOT sufficient evidence of pending status as a battered noncitizen. Within 3 weeks (or sooner) INS will send an additional notice. You must see the second notice showing approval or pending status to complete the verification of requirement 1
- I-797/I-797C- Notice of Action from INS stating “Establishment of Prima Facie Case”. The case type is “I-360 Petition for Amerasian, Widower, or Special Immigrant.” This is sufficient evidence of pending status as a battered noncitizen. This document is valid for 150 days; there is an expiration date on the form. This is usually enough time for the case to be adjudicated. An extension can be requested in writing to INS if needed to continue public benefits. If the establishment of the prima facie case is not re-issued or extended the case may have been denied by INS
- I-797C - Notice of Action from INS stating “Receipt Notice”. The receipt shows the customer paid for case type “I-360 Petition for Amerasian, Widower, or Special Immigrant” or the “I-130 Petition for an Alien Relative”. This is NOT sufficient evidence of pending status as a battered noncitizen
- I-797/I-797C - Notice of Action from INS stating the notice type is an “Approval Notice”. This means the customer is a battered noncitizen and eligible for State-Only CalWORKs. They may also meet requirements #2-4 and then be Medi-Cal/Food Stamp eligible. In addition the “approval” may indicate a notice of deferred action. Deferred action does not affect the approval status, even if the time period for the deferral has expired, unless the Vermont Service Center has indicated the deferred action has been revoked.
- I-797/I-797C - Notice of Action from INS stating the notice type is a “Denial Notice”. This person does not qualify for CalWORKs or Food Stamps as a battered noncitizen.

## Final Order or Notice

The applicant may also have documentation of a final order by an Immigration Judge or from the Board of Immigration Appeals:

- Giving approval of status or establishing a prima facie case, or



## Noncitizen Categories

- Granting Suspension of Deportation under Section 244(a)(3) of the INA as in effect prior to April 1, 1997 or Cancellation of Removal under Section 240A(b)(2) of the INA.

## INS

The applicant may also have an INS document with any of the following class of admission codes:

INS DOCUMENT	INS CODE
I-551	Code printed on the front of a white card or the back of a pink card.  AR1, AR6, C20-C29, CF1, CF2, CR1, CR2, CR6, CR7, CX1-CX3, CX6-CX8, F20-F29, FX1-FX3, FX6-FX8, IF1, IF2, IR1-IR4, IR6-IR9, IW1, IW2, IW6, IW7, MR6, MR7, P21-P23, P26-P28.
I-551	Code stamped on the lower left side of the back of the pink card.  IB1-IB3, IB6-IB8, B11, BI2, B16, B17, B20-B29, B31-B33, B36-B38, BX1-BX3, BX6-BX8.
I-551	Z13 may indicate battery; BUT, needs additional follow-up. Institute Secondary SAVE.
Foreign Passport	Any of the codes listed above.
I-94	Any of the codes listed above.

Possession of the above documents does not require any further interaction with INS, the customer is eligible to LPR status. CalWORKs Domestic Abuse Regulations should be followed.

## Verification

Verification of Battered Noncitizens can only be obtained through INS or EOIR. The method of verification depends on the type of application/petition filed. Refer to the following chart.

Type of Application/Petition:	Method of Inquiry:	FAX Request:
Self-Petition	Vermont Service Center FAX information to (802) 527-3159 Phone #), (802) 527-3160	See ACL 00-07, Attachment B

Type of Application/Petition:	Method of Inquiry:	FAX Request:
Self-Petition - Widow(er)	Secondary SAVE, G845 to INS; When the secondary SAVE indicates the petition is pending the county must FAX a request to the Vermont Service Center to expedite the petition process.	See ACL 00-07, Attachment B
Family Based	Secondary SAVE, G845 to INS; When the secondary SAVE indicates the petition is pending the county must FAX a request to the Vermont Service Center to expedite the petition process.	See ACL 00-07, Attachment B
Cancellation of Removal/Suspension of Deportation	Contact one of the immigration courts. EOIR *	See ACL 00-07, Attachment D and EOIR addresses below

\* Executive Office for Immigration Review (EOIR) addresses:

Imperial:  
2409 La Brucherie Road  
Imperial, CA 92251-0000  
Phone: (760)355-0070  
FAX: (760) 355-8692

Lancaster:  
Mira Loma Facility  
45100 N. 60th Street, West  
Phone: (661) 942-8633  
FAX: (661) 945-9720

Los Angeles:  
606 S. Olive Street, Suite 1500  
Los Angeles, CA 90014-0000  
Phone:(213) 894-2811  
FAX: (213) 894-5196

San Pedro:  
INS San Pedro Service Process Center  
2001 Seaside Avenue, Room 136  
Phone:(310) 732-0753  
FAX: (310) 732-0757

San Francisco:  
500 Kearney Street, Suite 800  
San Francisco, CA 94108-000

Mailing Address:  
P.O. Box 2326  
San Francisco, CA 94126-2326

Phone:(415) 705-4415, x221 or 225  
FAX: (415) 705-4418

San Diego:  
401 West A Street, Suite 800  
Phone: (619) 557-6052  
FAX: (619) 557-6405

Otay Mesa Border Station  
2500 Pasco International  
Phone: (619) 661-3119  
FAX: (619) 661-3190

880 Front Street, Room B-269  
Phone: (619) 557-7647  
FAX: (619) 557-7655



## 3.5 Conditional Entrants

### 3.5.1 Definition

The provision of Public Law 89-236 for “Conditional Entrant” was the primary method of entry for refugees when enacted in 1965 under Section 203(a)(7).

This provision was abolished by the Refugee Act of 1980; however, there may be persons with this documentation.

### 3.5.2 Rule

Conditional Entrants are considered refugees and eligible for RCA/RMA, providing they are time eligible. If time expired, explore other categories of eligibility.

Conditional Entrants are not sponsored.

### 3.5.3 Documents

A Conditional Entrant is issued an I-94 that specifically states “Paroled as a refugee” or “Paroled as an asylee”.

### 3.5.4 INS Coding

The following INS coding indicates conditional entrant status:

INS DOCUMENT	INS NOTATION
I-94	“Paroled as a refugee”, or “Paroled as an asylee.”
I-94	Stamped showing admission under section 203(a)(7) of the INA
I-688B	Annotated 274a.12(a)(3)
I-766	Annotated A3

### 3.5.5 Program Eligibility

[Refer to Chapter 2.5 “Program Eligibility”, p. 2-16]



## 3.6 Conditional Permanent Resident

### 3.6.1 Definition

A Conditional Permanent Resident (CPR) is a noncitizen granted a two-year period of permanent resident status based on a “qualifying” marriage to a U.S. citizen or national, or lawful permanent resident. Children of a U.S. citizen, national or lawful permanent resident may also have this status. The conditional status expires after two years. It is the responsibility of the CPR to obtain new immigration status from INS.

### 3.6.2 Rule

Noncitizens with “conditional permanent resident” status are eligible for public benefits until the expiration date. If the marriage is dissolved within 2 years, a noncitizen admitted as a result of that marriage loses their resident status and will no longer be eligible for public benefits.

### 3.6.3 Documents

INS document I-551 reflects the conditional nature of the noncitizen's status. Pending receipt of an I-551, passports of noncitizens granted conditional permanent residence will be stamped with the visa classification and the expiration date of the noncitizen's conditionally admitted status. For example, the passport of a noncitizen admitted on 11/12/94 as the spouse of a U.S. citizen would be notated:

ADMITTED:	CR-1
UNTIL:	NOVEMBER 12, 1996

Since noncitizens admitted under INA Section 216 are all “conditional permanent residents,” expired INS documentation CANNOT be accepted as evidence of eligible noncitizen status. Follow-up on the expiration of the 2 year period.

### 3.6.4 INS Coding

The following INS coding indicates noncitizen status for Conditional Permanent Residents:

INS DOCUMENT	INS CODE
I-551	Numerous codes, [Refer to Chapter 4.7.1 "Adjustment Admission Codes", p. 4-105]. Copies have an expiration date.

### 3.6.5 Program Eligibility

[Refer to Chapter 2.5 "Program Eligibility", p. 2-16]



## 3.7 Cross Border American Indian Tribes

### 3.7.1 Definition

Indian tribes refers to federally recognized Indian tribe, band, nation or other organized group or community.

Cross Border American Indians, born in Canada or Mexico, are entitled to freely cross the United States border into Canada or Mexico.

### 3.7.2 Rule

Members of an Indian tribe must present proof of membership in a tribe.

### 3.7.3 Documents

In the absence of appropriate INS documents "Memorandum of Creation of Record of Lawful Permanent Residence" (Form I-181) members of an Indian tribe must present a membership card or other tribal document demonstrating membership in an Indian tribe.

If the member has no document evidencing tribal membership, the agency will contact the Indian tribe for verification of membership.

### 3.7.4 Program Eligibility

Benefit eligibility for federally recognized tribes only applies to Supplement Security Income (SSI), Food Stamps (F/S) and Medi-Cal (M/C).

[Refer to Chapter 2.5 “Program Eligibility”, p. 2-16]



## 3.8 Cuban/Haitian Entrants

### 3.8.1 Definition

Cuban/Haitian Entrants are noncitizens from Cuba or Haiti who:

- Have never been granted parole status as a Cuban/Haitian Entrant (Status Pending), or
- Have never been granted any other special status subsequently established under the immigration laws for nationals, or
- Are nationals of Cuba or Haiti AND:
  - Were paroled into the U.S. and have not acquired any other status under the Immigration and Nationality Act, or
  - Are the subject of removal proceedings under the Immigration and Nationality Act or have an application for asylum pending
  - Have an application for asylum pending; and
- For whom no final order of removal has been entered by INS.

Note:

Some Cuban/Haitian Entrants who arrived prior to November 5, 1988 are eligible to apply for LPR under IRCA. [Refer to Chapter 3.2 “Amnesty (IRCA)”, p. 3-31 for more information.]

### 3.8.2 Rule

Applicants who meet the definition of Cuban/Haitian Entrants and have the proper documents are entitled to receive Entrant Cash Assistance (ECA) and Entrant Medical Assistance (EMA) while they are time eligible. The beginning date of eligibility for ECA is based on the entrant's date of release from INS custody as verified by acceptable INS documentation, not the date of entry into the U.S. Once the time period for ECA/EMA has expired, Cuban/Haitian Entrants are qualified aliens for other public benefits. Cuban/Haitians are not sponsored.

### 3.8.3 Documents

Use the following chart to determine who is a Cuban/Haitian Entrant and what documents are required:

IDENTIFICATION	DOCUMENTS
<p>Any national of Haiti granted parole status as a Cuban/Haitian Entrant (Status Pending) or granted any other special status subsequently established under the immigration laws for nationals of Haiti.</p> <p>This is regardless of the status of the individual at the time assistance or services are provided.</p>	<p>I-94 ("Arrival/Departure Record") endorsed "Cuban/Haitian Entrant (Status Pending)" issued prior to 10/10/80.</p>
<p>Any other national of Haiti who:</p> <ul style="list-style-type: none"> <li>• Was paroled into the U.S. and has not acquired any other status under the Immigration and Nationality Act, OR</li> <li>• Is the subject of exclusion or deportation proceedings under the Immigration and Nationality Act, OR</li> <li>• Has an application for asylum pending with INS, AND</li> <li>• Has no final, non-appealable, and legally enforceable order of deportation or exclusion against them.</li> </ul>	<p>A Haitian national paroled into the U.S. for humanitarian reasons or in the public interest. I-94 states "parole" or is referenced Section 212(d)(5).</p> <p>Individuals in this category (Students, Tourists, Workers) need additional documentation along with the I-94. Letters or notices in their possession which indicate ongoing exclusion or deportation proceedings are sufficient.</p> <p>A Haitian national who has filed a claim for political asylum. The I-94 includes the notation "Form I-589 Filed".</p>
<p>Cuban and Haitian Nationals from Guantanamo and Havana who have been admitted under Section 212(d)(5)(A) of the Immigration and Nationality Act WITH special presidential protocol.</p>	<p>I-94 stamped with "Public Interest Parolee per Presidential Policy dated 10/14/94".</p>

### 3.8.4 INS Coding

The following INS coding indicates noncitizen status for Cuban/Haitian Entrants:

INS DOCUMENT	INS CODE/SECTION/NOTATION
I-94	"Cuban/Haitian Entrant (Status Pending)" Section 212(d)(5) - "Paroled..." "Form I-589 Filed" "Public Interest Parolee per Presidential Policy dated 10/14/94" Admitted under section 501(e), Refugee Education Assistance Act Unexpired temporary I-551 stamp with the code CU6 or CU7
I-551	CH6 (IRCA); CU6, CU7, CU8, CU9, CU0; CUP; CU7P; CNP; CUX.

### 3.8.5 Program Eligibility

[Refer to Chapter 2.5 "Program Eligibility", p. 2-16]



## 3.9 Diversity (DV Program)

### 3.9.1 Definition

The DV Program is also known as the "lottery" program. The Immigration Act allows a specified number of immigration opportunities for persons from countries other than the principal sources of current immigration to the U.S. Persons from countries determined by INS, according to a mathematical formula, will be able to compete for these visas.

INS announces the number of visas available and what regions may register for the DV Program lottery. Applications are submitted within a specified time frame. Notification letters to persons selected and registered on the basis of the lottery must then follow INS procedures to complete the process.



### 3.9.2 INS Coding

The following INS coding indicates diversity status for Lawful Permanent Residents:

INS DOCUMENT	INS CODE
I-551	DV1, DV2, DV3, DV6, DV7, and DV8.

### 3.9.3 Program Eligibility

[Refer to Chapter 2.5 “Program Eligibility”, p. 2-16]



## 3.10 Family Unity

### 3.10.1 Definition

Family Unity replaced an earlier program known as “Family Fairness”. Family Unity provides protection from deportation and eligibility for employment authorization to the spouses and children of amnesty aliens who were legalized under IRCA Section 301.

Noncitizens who received Family Fairness are not automatically included in the Family Unity Program. A separate application must be made at INS.

### 3.10.2 Rule

To be eligible to apply for Family Unity, a person must have been:

- The spouse or child of an amnesty alien as of May 5, 1988, and
- Residing in the U.S. prior to that date.

Spouses and children were linked to the legalized amnesty alien family member's five-year waiting period. Legalized noncitizens who were granted Family Unity status were disqualified from CalWORKs and Food Stamps to the same extent and manner as their legalized amnesty alien family member.

Amnesty and Family Unity persons could be eligible for either restricted or full-scope Medi-Cal benefits. They may apply for Medi-Cal benefits at any time.

Once the amnesty alien completed the five-year adjustment period, they and their "Family Unity" family members were eligible to apply for CalWORKs and Food Stamps. Proof of permanent resident status was not required for Section 210 noncitizens but was required for 245A amnesty aliens. (Family Unity noncitizens may not have completed their five-year period, but could have been eligible sooner because they were linked to the legalized amnesty alien's status.)

If lawful permanent resident status has not yet been granted, the customer must have current extension stickers on their "Temporary Resident Card" (I-688) to show they are still working with INS.

### 3.10.3 Documents

An applicant granted Family Unity status receives an INS "Notice of Action" (I-797) and was eligible for public assistance when the time frames were met. The I-797 indicates one of the following:

- Application/Petition I-817. Application For Voluntary Departure Under Family Unity Program. Valid from (date) to (date)

Voluntary Departure Status is normally granted for a two year period of time. This time frame must not have expired or the customer must have other documentation

- Application Petition I-827
- Application/Petition I-130. Immigrant Petition For Relative, Fiance(e) or Orphan. Class: LB1, LB2; Priority Date: (date).

When the children are minors, it is not necessary to list them on the I-797 because they are derivative beneficiaries linked to the mother's approved petition.

The customer may have had an additional letter from INS or an attorney explaining who was covered by the petition.

Be very careful when reading the I-797, as it is also issued by INS for purposes other than Family Unity.

### 3.10.4 INS Coding

The following INS coding indicates “Family Unity” status:

INS DOCUMENT	INS CODE/SECTION
I-94	Section 301, Family Unity
I-688	With current stickers
I-797	[Refer to Chapter 3.10.3 “Documents”, p. 3-55]
I-551	LB1, LB2, LB6, LB7

### 3.10.5 Program Eligibility

[Refer to Chapter 2.5 “Program Eligibility”, p. 2-16]



## 3.11 40 Work Quarters

### 3.11.1 Definition

Lawful permanent residents who have worked or can be credited with 40 qualifying calendar work quarters under the Social Security Act are potentially eligible to receive public benefits. The law also covers quarters credited to a parent (while the noncitizen was under 18) or by a spouse (during the marriage if the noncitizen remains married to the spouse or the marriage ended by the death of the spouse) may be credited to that applicant in determining the number of qualifying quarters.

Beginning with the first quarter of 1997, no credit of qualifying employment is countable if the individual who earned it received any federal means-tested public benefits during the quarter for which it was credited. For determining 40 Work Quarters, federal means-tested public benefits include CalWORKs, Medi-Cal, SSI and Food Stamps. The 40 work quarter rule is not applied to Medi-Cal.

A quarter is defined as a 3 calendar month period ending 3/31, 6/30, 9/30 or 12/31 of any year.

### 3.11.2 Rules to Determine 40 Quarters

Social Security quarters are earned by working at a job or as a self employed individual. The Social Security Administration (SSA) monitors the number of quarters worked. The following information is used to determine work quarters.

#### Lag Quarters

Depending upon when the request to SSA for work quarters information is submitted, the 40 quarter data report will not contain the current and/or the preceding calendar year information due to the normal processing cycle of employer provided information. These current year quarters and preceding year quarters which do not show on the report are called Lag Quarters.

#### Non-covered Earnings

Non-covered earnings are earnings for which Social Security taxes were not withheld (e.g. earnings of certain public employees or earnings paid in cash). Therefore, the credits for these earnings do NOT appear on the SSA work quarter report.

If an applicant/recipient is claiming earnings from non-covered employment, the credits for those earnings can be counted, if satisfactory evidence is provided. Acceptable evidence includes:

- Taxpayer's actual copy of W2 or W-2c forms, or
- A copy of the applicant's federal or state income tax return (with photocopy of W-2 or W-2c attached), or
- Employer-prepared wage statements.

#### Current Year - Computation of Credits of Qualifying Employment

A current year's credit for a quarter which has ended may be used in the 40 credits of qualifying employment computation. **DO NOT COUNT CREDITS FOR CALENDAR QUARTERS THAT HAVE NOT ENDED**, even if the individual has sufficient earnings to qualify for the credit. Use the current year amount as the divisor to determine the number of credits of qualifying employment available, always rounding down the result.

To determine the number of credits of qualifying employment to be counted for the current year, use the LESSER of:

- The number of quarters that have ended for the current year, OR

## Noncitizen Categories

- The number of credits of qualifying employment available based on total earnings divided by amount needed per credit.

## Example:

An applicant applies in May 1998. He was laid off in April 1998 with year to date earnings of \$3000. Based on earnings (\$3000 divided by \$700 [amount needed for each credit for 1998] = 4.29), he is entitled to 4 credits. Since only one quarter has ended (i.e. January through March 1998), only one of the credits can be counted for 1998.

## Establishing Credits/Quarters - 1978 through current year

For 1978 and later, credits are based solely on the total yearly amount of earnings. All types of earnings follow this rule. The amount of earnings needed to earn a credit increases and is different for each year. [Refer to Chapter 3.11.2 "Rules to Determine 40 Quarters", p. 3-57]

For 1978 through 1998, the amount of earnings needed for each credit is:

YEAR	AMOUNT NEEDED FOR EACH CREDIT	YEAR	AMOUNT NEEDED FOR EACH CREDIT
1999	\$740***	1998	\$700***
1997	\$670***	1996	\$640
1995	\$630	1994	\$620
1993	\$590	1992	\$570
1991	\$540	1990	\$520
1989	\$500	1988	\$470
1987	\$460	1986	\$440
1985	\$410	1984	\$390
1983	\$370	1982	\$340
1981	\$310	1980	\$290
1979	\$260	1978	\$250
MAXIMUM OF 4 CREDITS PER CALENDAR YEAR			
*** Beginning in 1997, any credit CANNOT be counted if the individual who earned it received any federal means tested public benefit during the quarter for which it was credited.			

## Establishing Credits - 1977 and earlier years

For 1977 and earlier years, an individual earned:

- One credit for each calendar quarter in which an individual was paid \$50 or more in wages (including agricultural wages for 1951-1955),
- Four credits for each taxable year in which an individual's net earnings from SELF-EMPLOYMENT were \$400 or more, and/or
- One credit for each \$100 (limited to a total of 4 yearly) of agricultural wages paid during the year for the years from 1955 through 1977.

### Combining Credits with Spouse/Parent(s)

Social Security credits (formerly called "quarters of coverage") are earned by working at a job or as a self-employed individual. Each individual can only be credited with four (4) credits of qualifying employment per year based on their OWN employment.

Food Stamps: The individual can use credits of qualifying employment earned by:

- Their current spouse (including those individuals cohabiting and holding themselves out to the community as husband and wife by representing themselves as such to relatives, friends, neighbors or tradespeople) DURING the spousal relationship
- Their former spouse if the marriage ended by death, but only for those quarters earned during the marriage
- The natural, step or adopted parent(s) while they were under 18 years of age
- An adopted child may use the quarters of his adopted parents after the adoption and those of his birth parents prior to the adoption
- A step-parent's credits can be used by the step-child, provided the step-parent relationship still exists. The death of the step-parent does not terminate the relationship. Upon divorce, the step-parent relationship ceases to exist.

### Example:

A noncitizen "qualified" couple with one noncitizen "qualified" child (age 8) and one citizen child (age 5) apply for Food Stamps in January 1997. They have lived in the United States for the last 7 years. The husband has worked for the

## Noncitizen Categories

last 7 years earning \$8000 per year and his wife has worked part-time for the last 4 years earning \$2000 per year. Computation of the credits earned by each individual is as follows:

Year	Husband	Wife
1996	\$8000 divided by \$640 = 12.5 4 credits maximum per year	\$2000 divided by \$640 = 3.13 Rounded down to 3 credits
1995	\$8000 divided by \$630 = 12.7 4 credits maximum per year	\$2000 divided by \$630 = 3.17 Rounded down to 3 credits
1994	\$8000 divided by \$620 = 12.9 4 credits maximum per year	\$2000 divided by \$620 = 3.23 Rounded down to 3 credits
1993	\$8000 divided by \$590 = 13.5 4 credits maximum per year	\$2000 divided by \$590 = 3.38 Rounded down to 3 credits
1992	\$8000 divided by \$570 = 14.0 4 credits maximum per year	N/A
1991	\$8000 divided by \$540 = 14.8 4 credits maximum per year	N/A
1990	\$8000 divided by \$520 = 15.3 4 credits maximum per year	N/A
TOTAL	4 credits per year times 7 years = 28 credits total	3 credits per year times 4 years = 12 credits total

Both noncitizen “qualified” parents and the noncitizen “qualified” child have the required 40 credits. The husband has his 28 credits plus his wife’s 12 credits = 40 credits and the wife has her 12 credits plus her husband’s 28 credits = 40 credits. The noncitizen “qualified” child has the 28 credits from his father plus the 12 credits from his mother = 40 credits. Therefore, the noncitizen “qualified” parents and child are potentially eligible for Food Stamps with the citizen child. If the parents did not have the required 40 credits, then only the children could receive Federal Food Stamps, if otherwise eligible. The noncitizen parents would be eligible for the California Food Assistance Program (CFAP).

## Note:

Beginning 1/97, no qualifying quarter can be credited toward the 40 quarter requirement if a benefit from a federal means-tested program was received in that quarter.

## Example of Qualifying Employment

Applicant earned \$3000 in July 1997 and is credited by Social Security with 4 credits (quarters) of qualifying employment for the year. No other income is earned for the year. This individual receives public assistance in September through December 1997. The credit for the third quarter (July through September) and fourth quarter (October through December) CANNOT be counted due to the receipt of public assistance during these quarters. However, the credit for the first quarter (January through March) and second quarter (April through June) can be counted since he/she received no public assistance during these quarters.

Credits of qualifying employment earned PRIOR to 1997 count, whether or not the individual received any federal means-tested public benefits during the quarter for which they were credited.



## 3.12 Hmong or Highland Laotian Tribal Members

### 3.12.1 Definition

An individual who is legally residing in the U.S., and who was a member of a Hmong or Highland Laotian tribe. For Food Stamps, the member must be from the tribe while assistance was rendered to U.S. personnel by taking part in a military or rescue operation during the Vietnam era. This would include the spouse, unremarried surviving spouse, or unmarried dependent child(ren) of tribal members.

### 3.12.2 Rule

The Food Stamp program has made an exception for the Hmong and Highland Laotians under Section 508 of the Agriculture Research, Extension, and Education Reform Act (AREERA). This act amends Section 402 of the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) and grants the Hmong/Highland Laotian Tribal Members from tribes who aided U.S. personnel in Vietnam eligible for Food Stamps. They are not required to meet the definition of "qualified aliens".

### 3.12.3 Documentation

Documentation may appear on the following documents:



## Noncitizen Categories

- I-551 “Permanent Resident” card (5/1/97 Revision)
- Pink or white I-551 “Resident Alien” card
- Blue I-151 Alien Registration Receipt Card (7/1/72 Revision)
- I-94 Arrival/Departure Record
- Unexpired Foreign Passport with K-551 Stamp.

The county can check the Refugee Data Center (RDC) Highland Lao List for the tribal member’s name. This list only includes eligible Hmong and Highland Laotian refugees who entered the U.S. after 1979. Even though a name may not appear on the list, it is not all inclusive. The information must be requested from INS using secondary SAVE for tribal members.

Usual verification of relationship documents will be accepted. Attestation or presentation of appropriate documentation of familial relationship will also be accepted.

### 3.12.4 INS Coding

The following INS coding indicates Hmong or Highland Laotian status:

INS DOCUMENT	INS CODE/SECTION	TRIBAL MEMBERS COUNTRY OF BIRTH
I-151	Food Stamps - If this card has expired, pend the application and refer the customer to INS to apply for an I-551 (An expired I-151 is not proof of lawful permanent residence.)  RE1, RE2, RE3, RE6, RE7, RE8, R86, IC6, and IC7	<ul style="list-style-type: none"> <li>• 201(Cambodian)</li> <li>• 203 (Laos)</li> <li>• 245 (China)</li> <li>• 248 (Indonesia)</li> <li>• 260 (Philippines)</li> <li>• 263 (Thailand)</li> </ul>
I-551	RE1, RE2, RE3, RE6, RE7, RE8, R86, IC6, and IC7	<ul style="list-style-type: none"> <li>• 201(Cambodian)</li> <li>• 203 (Laos)</li> <li>• 245 (China)</li> <li>• 248 (Indonesia)</li> <li>• 260 (Philippines)</li> <li>• 263 (Thailand)</li> </ul>

### 3.12.5 Program Eligibility

[Refer to Chapter 2.5 “Program Eligibility”, p. 2-16]



## 3.13 Jay Treaty Indians

### 3.13.1 Definition

North American Indians born in Canada, who have at least 50% Indian blood, fall under the “Jay Treaty” and can freely pass between the United States and Canada.

### 3.13.2 Rule

Jay Treaty Indians are considered lawful permanent residents when present in the U.S. They do have to apply with INS for this status.

### 3.13.3 Documents

In addition to INS and/or court documents, the person must have proof (including birth records) certifying that the Canadian-born person is of 50% Indian blood, such as affidavits from tribal officials to this effect, or other clear proof of this status.

### 3.13.4 Program Eligibility

[Refer to Chapter 2.5 “Program Eligibility”, p. 2-16]



## 3.14 Lawful Permanent Residents

### 3.14.1 Definition

Lawful Permanent Residents (LPR) are noncitizens who are lawfully admitted for permanent residence by INS. These noncitizens may also have entered the country with an immigrant visa or adjusted their status after entering as a non-immigrant, refugee, or asylee.

LPRs:

## Noncitizen Categories

- Have permission to live and work permanently in the U.S.
- Can travel outside the U.S. and return, as long as they do not abandon their U.S. residence
- Can apply for naturalization to become a U.S. citizen after 5 years (3 years if married to a U.S. citizen)
- Are eligible to bring family members to reside in the country.

### 3.14.2 Rule

LPRs are eligible for federal/state public benefits.

### 3.14.3 Documents

The following documents may be acceptable documentation of lawful permanent status:

- I-94 that states “Processed for I-551. Temporary evidence of lawful admission for permanent residence valid until \_\_\_\_\_. Employment authorized”
- I-551 which replaced the I-151, AR3 and AR3a
- A foreign passport stamped showing unexpired temporary evidence of LPR status
- I-327 “Reentry Permit” which is given to an LPR when traveling outside of the U.S. for an extended period of time.

### 3.14.4 INS Coding

The following INS coding indicates Lawful Permanent Resident status:

INS DOCUMENT	INS CODE/NOTATION
I-94	States “Processed for I-551. Temporary evidence of lawful admission for permanent residence valid until _____. Employment authorized”.
I-151	All codes listed in [Refer to Chapter 4.7.1 “Adjustment Admission Codes”, p. 4-105].
I-551	All codes listed in [Refer to Chapter 4.5 “I-551”, p. 4-93] and [Refer to Chapter 4.7.1 “Adjustment Admission Codes”, p. 4-105].

### 3.14.5 Program Eligibility

[Refer to Chapter 2.5 “Program Eligibility”, p. 2-16]



## 3.15 Match Grant

### 3.15.1 Definition

Jewish Family Services (JFS), Catholic Charities, Resettlement and Employment Programs (USCC), and the International Rescue Committee (IRC) provide financial aid and services to newly arrived refugees when at least one member of a refugee family is employable. This program is called the “Match Grant” program.

### 3.15.2 Rule

The applicant should come to the county with a “Match Grant Referral Slip” from the Match Grant Agency. If the applicant does not have this form we have no way of knowing that they are Match Grant recipients. The county must ask the refugee applicant if they are in the “Match Grant” program.

There is NO law that bars the Match Grant refugee from receiving public assistance. If the Match Grant refugee applies for assistance and is otherwise eligible, aid must be established. However, if Match Grant applicants receive cash assistance from the SSA, they will lose their eligibility to ALL “Match Grant” services from JFS, USCC or IRC. The services offered include: clothing, specialized employment help, furniture, TVs, computers - many more services than this agency can provide. It is to the customers advantage to stay on Match Grant. The county must tell the customer they may lose those services by accepting cash assistance.

Match Grant is only issued for the first four months from the individual’s date of entry. If the customer applies for RCA anytime from month five to month eight they are eligible for cash assistance.

Match Grant Refugees are not sponsored.

### 3.15.3 Documents

The following documents may be acceptable documentation of refugee status for the Match Grant Program:

I-94

That states one of the following:

- “Paroled as a refugee or asylee” under section 212(d)(5)
- “Admitted as a refugee” under Section 207
- “Granted asylum” under Section 208, 208(a)
- “Admitted as a conditional entrant” under Section 203(a)(7)
- Admitted with an immigration status not listed above that entitled the individual to refugee assistance prior to enactment of the Refugee Act of 1980.

I-151 or I-551

Showing lawful permanent status attained with one of the following codes:

- RE6, RE7, RE8
- R86
- Y-1-16, Y64.

I-688B

With the appropriate citation, 274a.12(a)(4), plus additional verification.

### 3.15.4 INS Coding

The following INS coding indicates refugee status:

INS DOCUMENT	INS CODE/SECTION/NOTATION
I-94	See citations listed in document section above.
I-151	RE6, RE7, RE8
I-551	R86, Y-1-16, Y64
I-688B	Section 274a.12(a)(4), plus additional verification such as an I-94, I-151 or I551

### 3.15.5 Program Eligibility

[Refer to Chapter 2.5 “Program Eligibility”, p. 2-16]



## 3.16 Parolees

### 3.16.1 Definition

Parolees are persons who normally would not be admissible to the U.S. but are allowed to enter temporarily for humanitarian, medical, and legal reasons, usually under emergency circumstances. Parolees are allowed in the country either “indefinitely” or for a specific period of time. Those allowed in the country for a specific period of time are not eligible. Those allowed “indefinitely” are eligible and may later be allowed to adjust their status to asylee.

### 3.16.2 Rule

Noncitizens entering the U.S. as parolees are given immigration status of:

- Paroled as a Refugee or Cuban/Haitian Entrant, or
- Humanitarian Parolee (HP), or
- Public Interest Parolee (PIP).

Noncitizens paroled as Refugees and Cuban/Haitians are eligible for the RCA/RMA and ECA/EMA programs and are not sponsored. HPs and PIPs are NOT refugees and, therefore are not eligible for RCA/RMA and ECA/EMA programs, and may or may not be sponsored. (The county must ask each HP or PIP if they are sponsored.) HPs and PIPs who are paroled for more than 1 year may be federally eligible. HPs and PIPs who are paroled for less than 1 year may be eligible for state only benefits. [Refer to Chapter 2.5 “Program Eligibility”, p. 2-16].

A PIP’s documentation may expire while they are waiting to receive lawful permanent resident (LPR) status. INS will not issue new current documentation while they are pending LPR status, i.e., no extension stickers. When the customer verifies pending LPR status with expired PIP documentation, they remain eligible for benefits as PRUCOL, if they remain otherwise eligible.

### 3.16.3 Documents

The following chart applies:

PAROLEE	DOCUMENT
Refugee	Persons who fear persecution are paroled into the U.S. as refugees. They will be issued an I-94 showing Section 212(d)(5) or stamped Section "207". They may also have an I-688B indicating INA Section 274a.12(a)(4). [Refer to Chapter 3.20 "Refugees", p. 3-75].
Humanitarian & Public Interest Parolee	A HP or PIP may receive an I-94 (Arrival-Departure Record-Parole Edition) which states paroled into the U.S. under Section 212(d)(5). They may also have an I-688B indicating the provision of law: 274a.12(c)(11), (paroled for emergency or public interest reasons).

### 3.16.4 INS Coding

The following INS coding indicates parolee noncitizen status:

INS DOCUMENT	INS CODE/SECTION/NOTATION
I-94	Section 212(d)(5), Section 207
I-512	Section 212(d)(5)
I-551	M93
I-688B	Refugees: Section 274a.12(a)(4) HPs and PIPs: Section 274a.12(c)(11), plus additional verification
I-766	Annotated "A3"

### 3.16.5 Program Eligibility

[Refer to Chapter 2.5 "Program Eligibility", p. 2-16]



## 3.17 Private Sector Initiative

### 3.17.1 Definition

The Private Sector Initiative (PSI) is a program that admits and resettles refugees through privately-funded sponsorships. The State Department requires the PSI to provide full support for the refugee for two years, or until the refugee is self-supporting, whichever comes first. The PSI must provide each refugee it sponsors with all of the following:

- Arrival arrangements
- Temporary housing
- Early employment
- Food, clothing and other basic needs
- Information about obtaining Social Security cards
- , and
- On-going health care and medical insurance for two years if the refugee cannot pay for health insurance during this time.

### 3.17.2 PSI Projects

The two PSI projects which have been approved by the State Department are:

- The Cuban American National Foundation, known as “The Foundation”. “The Foundation” sponsors and resettles Cuban refugees. Many of the refugees sponsored by “The Foundation” are resettled in the Los Angeles area
- The Federation of Zoroastrian Association of North America (FEZANA). FEZANA sponsors and resettles Iranian Zoroastrian refugees. Many of the refugees sponsored by FEZANA are being resettled in the San Francisco Bay Area as well as Los Angeles.

### 3.17.3 Rule

There is NO law that bars a refugee who receives PSI from receiving public assistance. If the refugee applies for assistance and is otherwise eligible, aid must be established.



If the sponsor contacts the county to determine whether any refugee resettled under their PSI program has applied for cash, medical or Food Stamp assistance, the county must obtain a release of information form signed by the refugee prior to responding to the sponsor. This consent allows the requesting organization access to confidential information about the individual.

### 3.17.4 Documents

PSI sponsored refugees will have an I-94 stating:

- “This refugee admitted under sponsorship of the (name of sponsoring agency). Private financial resources are available.

If public assistance is sought, please call (telephone number of sponsoring agency).”

### 3.17.5 INS Coding

The following INS coding indicates noncitizen status for PSI:

INS DOCUMENT	INS NOTATION
I-94	“This refugee admitted under sponsorship of the (name of sponsoring agency). Private financial resources are available. If public assistance is sought, please call (telephone number of sponsoring agency).”

### 3.17.6 Program Eligibility

[Refer to Chapter 2.5 “Program Eligibility”, p. 2-16]



## 3.18 Privately Funded Soviet Jewish Refugees

### 3.18.1 Definition

The Council of Jewish Federations/Hebrew Immigrant Aid Society (CJF/HIAS) is privately funding admission and resettlement in the U.S. of up to 8,000 Soviet Jewish Refugees. Approximately 1,000 of these individuals will resettle in the State of California. The CJF/HIAS is responsible for the cost of admission and

resettlement of this specialized group of refugees. CJF/HIAS will provide support for two years after admission to the U.S. or until the refugee attains PRS under the INA, whichever comes first. CJF/HIAS support includes:

- Processing
- Documentation
- Medical Examination
- Reception, and
- Placement.

### 3.18.2 Rule

There is NO law that bars the refugee who receives CJF/HIAS from receiving public assistance. If the refugee applies for assistance and is otherwise eligible, aid must be established.

### 3.18.3 Documents

CJF/HIAS sponsored refugees will have an I-94 stating:

- “This refugee is sponsored by the Hebrew Immigrant Aid Society and (name of local Jewish organization). Private resources are available.

### 3.18.4 INS Coding

The following INS notation indicates noncitizen status for CJF/HIAS sponsored refugees:

INS DOCUMENT	INS NOTATION
I-94	“This refugee is sponsored by the Hebrew Immigrant Aid Society and (name of local Jewish organization). Private resources are available.

### 3.18.5 Program Eligibility

[Refer to Chapter 2.5 “Program Eligibility”, p. 2-16]



## 3.19 PRUCOL

### 3.19.1 Definition

“Permanently Residing in the United States Under Color of Law” (PRUCOL) is a term defined by regulations and court decisions to describe categories of noncitizens who are potentially eligible for certain public benefits.

Some PRUCOL noncitizens meet the definition of a qualified alien. Eligibility for these noncitizens should be evaluated in accordance with the qualified alien rules. PRUCOL noncitizens who are not qualified aliens may still be eligible for cash aid and full scope Medi-Cal, but they are not eligible for Food Stamps.

PRUCOL is not a separate INS immigration classification (such as Lawful Permanent Resident, Amnesty, etc.). It is a term applied to persons in order to determine eligibility for public benefits in California. The public benefits covered by PRUCOL are CalWORKs and Medi-Cal.

### 3.19.2 Rule

Some PRUCOL noncitizens meet the definition of a qualified alien. Eligibility for these noncitizens should be evaluated in accordance with qualified alien rules.

PRUCOL noncitizens who are not qualified aliens may still be eligible for cash aid and full scope Medi-Cal, but they are not eligible for Food Stamps.

PRUCOL eligibility varies by program.

IMMIGRATION STATUS	Qualified Alien
Admitted pursuant to 8 USC 1153(a)(7), (INA section 203(a)(7) Refugee-Conditional Entry	YES
Paroled under 212(d)(5)	YES - (If 1 year or more)
Cuban/Haitian entrants	YES
Noncitizens with approved Immediate relative petition and their families covered by the petition who are entitled to voluntary departure and whose departure the INS does not contemplate enforcing.	NO

IMMIGRATION STATUS	Qualified Alien
Noncitizens who have properly filed for adjustment of status under INA section 245	NO
Noncitizens granted stays of deportation by court order, statute, or 8 USC 1105(a) (INA Section 106)	NO
Noncitizens granted asylum pursuant to 8 USC 1157 (INA Section 208)	YES
Noncitizens admitted as refugees pursuant to 8 USC 1157 (INA Section 207)	YES
Noncitizens admitted as refugees pursuant to 8 USC 1153(a)(7) (INA Section 203(a)(7))	YES
Noncitizens granted voluntary departure pursuant to 8 USC 1252(b) (INA Section 242(b) or 8 CFR 242.5 whose departure INS does not contemplate enforcing	NO
Noncitizens granted deferred action status	NO
Noncitizens residing in the United States under orders of supervision pursuant to 8 USC 1252(d) (INA Section 242)	NO
Noncitizens who have entered and continuously resided in the United States since before January 1, 1972 (or any date established by 8 USC 1259)(INA Section 249)	NO
Noncitizens granted suspension of deportation pursuant to 8 USC 1254 (INA Section 244) and whose departure the INS does not contemplate enforcing	NO
Noncitizens whose deportation has been withheld pursuant to USC Section 1253(h) (INA Section 243(h))	YES
Any other noncitizen living in the United States with the knowledge and permission of the INS and whose departure the INS does not contemplate enforcing	NO

Persons applying for PRUCOL status who have some form of documentation must be verified using the SAVE process. For Medi-Cal, staff must apply the alien presumptive eligibility rules for noncitizens who seek PRUCOL. [Refer to Chapter 6.1.12 “Medi-Cal”, p. 135]

Undocumented noncitizens who claim PRUCOL on the basis that they are here with the knowledge and permission of the INS but the INS does not contemplate deporting them are not eligible for Food Stamps or CalWORKs but may be eligible for full-scope Medi-Cal.

For Foster Care, PRUCOL status can be requested from INS for noncitizen children without documentation who are in court-ordered out-of-home placement. (This process is similar to the Medi-Cal PRUCOL process. The Social Worker completes the “G-845 Supplement - PRUCOL” [MC 845] on behalf of the child.)

### 3.19.3 Documents

PRUCOL noncitizens may be issued one of the following documents (this is not an exhaustive list):

- I-94 showing “Paroled as a Refugee, Humanitarian Parolee or Public Interest Parolee”.
- I-688B indicating the following:
  - 274a.12(c)11 “Paroled for emergent or public interest reasons”
  - 274a.12(c)12 “Indefinite Voluntary Departure”
  - 274a.12(c)13 “Stay of deportation”.

### 3.19.4 INS Coding

The following INS Sections indicate PRUCOL noncitizen status:

INS DOCUMENT	INS SECTION
I-94	Section 212(d)(5) Section 207
I-688B	Refugees: Section 274a.12(a)(4) HPs and PIPs: Section 274a.12(c)(11), 274a.12(c)(12), 274a.12(c)(13), Plus additional INS verification.

### 3.19.5 Program Eligibility

[Refer to Chapter 2.5 “Program Eligibility”, p. 2-16]



## 3.20 Refugees

### 3.20.1 Definition

Refugees are given permission to come to the U.S. because they have a fear of persecution in their own country. They receive refugee status prior to entry. For a general definition, refugees may include the following noncitizens:

- Orderly Departure Refugees
- Amerasians
- Public Sector Refugees
- Private Funded Jewish Refugees
- Cuban/Haitian Entrants
- “Mariel” Cubans
- Match Grant Refugees
- “Paroled” as a Refugee
- “Paroled” as an Asylee
- Humanitarian Parolees
- Public Interest Parolees, and
- Conditional Entrants.

Some of the above noncitizens may be eligible as qualified aliens depending on the program for which they are applying. [Refer to Chapter 2.2.17 “Qualified Aliens”, p. 2-14]

### 3.20.2 Rule

Refugees meet the definition of “qualified alien” for the first seven years in the U.S. and are eligible for all federal public benefits. Seven years after their date of entry they lose their “qualified alien” status and are no longer eligible for federal means-tested public benefits as refugees.

Refugees:

- Are NOT sponsored
- May convert to permanent resident status after one year of residence in the U.S.
- Can apply for an I-688B employment authorization document, and
- May be eligible for RCA/ECA/RMA/EMA during the first 8 months from the date of entry on the I-94.

CalWORKs:

Refugees are qualified aliens who meet the exception criteria, and if otherwise eligible, are eligible for federal public benefits immediately upon arrival. There is no five-year ban.

Food Stamps:

Refugees are eligible for federal Food Stamps for the first seven years. After that they are eligible for the California Food Assistance Program (CFAP) state only funding.

### 3.20.3 Documents

Refugees may have any of the following documents:

I-94, referencing any of the following:

- Paroled as a Refugee, Section 207 or 212(d)(5)
- Conditional Entrant, Section 203
- Cuban/Haitian Entrant, Section 502(e)
- Kurdish and Iraqi Asylees granted asylum under Section 208 or 208(a).

I-551 — with lawful permanent status.

I-571 — Refugee Travel Document

I-688B — annotated 274a12(a)(3)

I-766 — annotated "A3".

### 3.20.4 INS Coding

The following INS coding indicates refugee noncitizen status:

INS DOCUMENT	INS CODE/SECTION/NOTATION
I-94	Refugees under section 207 Paroled as a refugee under section 212(d)(5) Conditional Entrants under section 203(a)(7) Cuban/Haitian entrants under section 501(e) Asylum granted under Section 208, 208(a) Amerasians under 584 of the Immigration and Nationality Act
I-551	A5, AS6, AS7, AS8 CH6, CNP, CU6, CU7, CU8, CU9, CU0, CUP, CUX IC-6, IC-7 M83, M93, MB3, M93 RE, RE6, RE7, RE8, R86 Y-1-16, Y64
I-571	INS Refugee Travel Document
I-688B	Refugees: Section 274a.12(a)(3) Asylees: Section 274a.12(a)(5) HPs and PIPs: Section 274a.12(c)(11), Plus additional verification
I-766	Annotated A3

### 3.20.5 Program Eligibility

[Refer to Chapter 2.5 “Program Eligibility”, p. 2-16]





## 3.21 Sponsored Noncitizens (Aliens)

### 3.21.1 Definition

Sponsored noncitizens are admitted into the United States because another person or group has completed an affidavit of support which attests that they have sufficient income and resources to meet the noncitizen's needs for three years. The process used to determine available income and resources is called deeming.

### 3.21.2 Rule

Sponsorship must be explored in the same way all other aspects of eligibility are explored, such as income and property (you must ask). Carefully explore the circumstances under which the customer entered the U.S. and whether they may or may not be sponsored. When all reported information is consistent, then the customer's statement regarding sponsorship on the appropriate Statement of Facts is sufficient. No application can be approved until sponsorship is determined.

Immigrants with an "Affidavit of Support" are considered sponsored for the three years after their date of entry. For CFAP, deeming applies for three years after the signing of the I-864.

In the case of questionable sponsorship, a request can be sent through the Systematic Alien Verification for Entitlements (SAVE) system for validation. The sponsorship data can be obtained only through the secondary verification process. Inquiries must follow the normal secondary procedures with a specific request as to whether there is an affidavit of support on file for this person and if so, request a copy.

Refer to Chapter 3.21.3 "Guidelines", p. 3-78 to determine if sponsorship regulations apply.

Sponsored noncitizen "deeming" applies to the CalWORKs, Cash Assistance Program for Immigrants (CAPI) and Food Stamp programs. Sponsorship regulations are applied from the date of entry.

Sponsorship does not apply to the following categories of noncitizens:

- Refugees
- Asylees, and

- Persons paroled as “refugees”.

Sponsored noncitizen “deeming” does not apply to the Refugee Cash Assistance, General Assistance and Medi-Cal programs.

### 3.21.3 Guidelines

If an applicant/recipient identifies themselves as a “noncitizen” on the Statement of Facts form, the following guidelines will help to determine if the sponsorship regulations apply:

IF THE NONCITIZEN...	THEN THE COUNTY...
Gives inconsistent or unclear information,	Must clarify the situation.
Continues to give conflicting information,	Requests secondary SAVE to obtain information regarding sponsorship if unable to clarify the situation with the customer.
States they are not sponsored,	Assumes that there is no sponsor unless there is conflicting information.
Does not know if they have been sponsored,	Assumes that there is a sponsor and initiates secondary SAVE to determine sponsorship.
States they are sponsored and the sponsor is cooperating,	Applies the income and resource deeming regulations. Approves or denies as appropriate.
States they are sponsored and the sponsor refuses to cooperate,	Denies the application for the sponsored noncitizen(s). Remember that citizen children of sponsored noncitizens remain eligible; only the sponsored noncitizen(s) is ineligible.
States they are sponsored and have tried to get their sponsor to cooperate and have failed,	Denies the application for the sponsored noncitizen(s). Remember that citizen children of sponsored noncitizens remain eligible; only the sponsored noncitizen(s) is ineligible.

### 3.21.4 Documents

The sponsored noncitizen may or may not have in their possession an “Affidavit of Support”. The “Affidavit of Support” will be the I-134 if dated prior to 12/19/97 or the I-864 if dated after 12/19/97.

### 3.21.5 INS Coding

Specific immigration codes on Immigration and Naturalization Services (INS) documents do not indicate whether the immigrant has been sponsored or not. The only way to know if the customer is sponsored is by carefully exploring the circumstances surrounding entry into the U.S. during the interview and the response on the Statement of Facts form.

### 3.21.6 Program Eligibility

[Refer to Chapter 2.5 "Program Eligibility", p. 2-16]



## 3.22 Temporary Protected Status

### 3.22.1 Definition

Temporary Protected Status (TPS) is a noncitizen status granted temporarily to some nationals of certain foreign states. The designation of a foreign state is based on an ongoing armed conflict, natural disaster, or other extraordinary and temporary condition. Noncitizens who are nationals of such a state are prevented from safely returning. This status is granted only to those persons already in the U.S.

### 3.22.2 Rule

The granting of TPS status does not allow noncitizens to be considered Permanently Residing in the United States Under the Color of Law (PRUCOL). Therefore, there is no eligibility for public benefits.

Noncitizens granted TPS are authorized to stay in the U.S. for a specified time and may not be deported during this period. They may be authorized to work. After the time period expires, either their status may be extended or they may be required to leave the country. Noncitizens granted TPS are not sponsored noncitizens.

### 3.22.3 Documents

At this time, no specific information is known about the documents the TPS person will have. They may have a copy of their “Application for TPS” (I-821). Since they are authorized to work, they could have an I-688B [Refer to Chapter 5.2.24 “I-688B”, p. 120] but the provision of law for TPS is not known at this time.

### 3.22.4 INS Coding

Public Law 101-649 amended the INA by adding the new TPS Section 244A.

### 3.22.5 Program Eligibility

[Refer to Chapter 2.5 “Program Eligibility”, p. 2-16]



## 3.23 Undocumented Persons

### 3.23.1 Definition

Undocumented persons are noncitizens who are not authorized to be or remain in the U.S. Undocumented persons generally do not have valid, current INS documents. These include persons who:

- Entered the U.S. without legal entry
- Entered the U.S. as a non-immigrant but violated the conditions of their stay; that is they worked without authorization by INS, or overstayed the allowed period
- Entered with fraudulent documents or without proper documents and are deportable on the grounds that they should have been excluded.

### 3.23.2 Rule

Undocumented persons are immediately deportable and are not authorized to work unless the INS has given specific work authorization. Special work authorization may be given for the following reasons:

- Persons waiting for adjudication of an adjustment of status application
- Persons waiting consular appointments for visas
- Persons with pending political asylum applications.



## 3.24 Veteran Status

### 3.24.1 Definition

The individual who is a veteran or is on active duty in the United States Armed Forces and his or her spouse or unmarried dependent child(ren), or the unremarried surviving spouse of a deceased veteran or active duty service member may be eligible with Veteran status if the individual:

- Has an “Honorable” Discharge” (not on account of alienage) and
- Fulfills the minimum active-duty service requirements in the United States Armed Forces. This includes the: Army, Navy, Air Force, Marine Corps and Coast Guard.

### 3.24.2 Rule

Qualified Noncitizens who meet the definition of a veteran are eligible for federal public benefits immediately.

### 3.24.3 Documents

#### Honorable Discharge

Honorable Discharge is verified by one of the following:

- A Discharge Certificate (DD Form 214), or its equivalent.
  - The DD Form 214 or equivalent document that shows two or more years of continuous active duty in the Army, Navy, Air Force, Marine Corps or Coast Guard, with “Honorable” discharge
  - If the DD Form 214 or equivalent document has an original enlistment date prior to September 7, 1980, there is no minimum active duty service requirement

- If the enlistment date is after September 7, 1986, and shows less than two years of service, refer the Veteran to the Veterans Service Office for clarification using the “Veterans’ Benefits Verification and Referral” (CA 5)
- If documentation is questionable, refer the Veteran to the Veterans Service Office for clarification using the “Veterans’ Benefits Verification and Referral” (CA 5).

Any other reason for discharge does not qualify. “Under Honorable Discharge” is not an honorable discharge for these purposes.

### Active Duty

“Active Duty” status as a member of the Armed Forces means the individual is on full time duty in the United States Army, Navy, Air Force, Marine Corps or Coast Guard. It does not include National Guard Duty.

“Active Duty for Training” does not establish eligible status but these individuals should be referred to Veterans Services to establish possible Veteran status.

Service members on Active Duty must provide one of the following:

- A current Military Identification Card (DD Form 2 [Active]). This document will have an expiration date
  - If the card will expire within one year, the service member must show his current military orders
  - If the applicant is unable to present their military orders, active duty can be verified by the Service Member through “Real Time Automated Personnel Identification System (RAPIDS) located at many military installations
- A member of a Reserve component must establish status by showing a current DD Form 2 [Reserve] card AND military active duty orders.

### Spouse, Unmarried Dependent Child, Unmarried Surviving Spouse

The Veteran’s or active duty service member’s status must be verified first. If the Veteran’s or active duty status is qualifying, then the appropriate relationship must be verified.

Spouse: Spousal relationship can be verified by the following:

- Possession of a current Military Identification Card (DD Form 1173) showing the individual is married to a veteran or active duty member. A DD Form 1173 with an expiration date of more than one year from the date of its presentation presumptively meets the active duty requirement.

When the DD Form 1173 is due to expire within one year the spouse must provide a copy of the military orders for his or her spouse to establish the active duty status of the service member. If married to a reserve member the orders must show that the service member is on active duty and not on active duty for training

- Verification via the CA 5 process, or
- Relationship may be verified by the RAPIDS system.

Unmarried Dependent Child: A child (including adopted) is defined as under the age of 18, or if a full time student, age 22. This can include a disabled child, age 18 or older, if the child was disabled and dependent on the active duty member or veteran prior to the child's 18th birthday. The child's relationship can be verified by the following:

- Possession of a current Military Identification Card (DD Form 1173) showing the individual is a child of the veteran or active duty member
  - If the DD Form 1173 has an expiration date of more than one year from the date of its presentation presumptively meets the active duty requirement
  - If the DD Form 1173 will expire within one year, the child must provide a copy of the military orders for their parent to establish the active duty status of the service member. If an unmarried child of a reserve member, the orders must show that the service member is on active duty and not on active duty for training
- Verification via the CA 5 process, or
- Relationship may be verified by the RAPIDS system.

Unremarried Surviving Spouse: The following proof is needed:

- The surviving spouse was married to the veteran or active duty personnel within 15 years after the termination of the period of service in which the injury or disease causing the death of the veteran was incurred
- That the surviving spouse was married to the Veteran or active duty personnel for one year or more, or

- That a child was born of the relationship between the surviving spouse and the veteran or active duty personnel, either during or before the marriage, and
- That the surviving spouse has not remarried.

If the RAPIDS system is not available to the Veteran, they can write or FAX to:

DEERS Support Office  
Attention: Research and Analysis  
400 Gigling Road  
Seaside, California 93955-6771

FAX: (408) 655-8317



## 3.25 Voluntary Departure

### 3.25.1 Definition

Voluntary Departure describes two groups of noncitizens:

- Noncitizens waiting for a Visa who have been granted “Voluntary Departure” (permission to leave at a later time) until the Visa is ready, or
- Under the Family Unity program (IRCA), the spouse and children of the amnesty alien who have been granted a “temporary stay of deportation”.

### 3.25.2 Rule

“Voluntary Departure” or “Stay of Deportation” for a period of one year or more meets the definition of PRUCOL. Family Unity persons are sometimes given a letter of “Voluntary Departure” for a two year period of time.

Persons granted “Voluntary Departure” or “Stay of Deportation” for less than one year are considered to be ineligible noncitizens.

### 3.25.3 Documents

Persons granted “Voluntary Departure” or “Stay of Deportation” may have any one of the following:



- I-94
- I-210
- I-688B
- I-797.

### 3.25.4 INS Coding

The following INS coding indicates “Voluntary Departure” status:

INS DOCUMENT	INS CODE/SECTION/NOTATION
I-94	“Voluntary Departure”, “Stay of Deportation”
I-210	[Refer to Chapter 3.25 “Documents”, p. 3-85].
I-688B	Section 274a.12(a)(11), or Section 274a.12(c)(12), or Section 274a.13, plus additional INS verification
I-797	“Application for Voluntary Departure Under Family Unity Program”

### 3.25.5 Program Eligibility

[Refer to Chapter 2.5 “Program Eligibility”, p. 2-16]



## 3.26 Withholding of Deportation/Cancellation of Removal

### 3.26.1 Definition

Withholding of Deportation (or Cancellation of Removal) is a status granted to a non-citizen who proves he or she would be persecuted if returned to his or her country. Unlike refugee/asylum status, withholding of deportation does not lead to a granting of permanent residence. The 1996 immigration law changed the name of this status to Cancellation of Removal for those granted status after that law went into effect.

### 3.26.2 Rule

Persons with “Withholding of Deportation/Cancellation of Removal” are qualified aliens and are eligible for federal/state public benefits.

### 3.26.3 Documents

Persons with “Withholding of Deportation/Cancellation of Removal” may have one of the following documents:

- I-688B
- I-766
- Order from an immigration judge showing deportation withheld or cancellation of removal.

### 3.26.4 INS Coding

The following INS coding indicates “Withholding of Deportation/Cancellation of Removal” status:

INS DOCUMENT	INS CODE/SECTION/NOTATION
I-688B	Annotated with 274.12(a)(10)
I-766	Annotated “A10”
Court Order	Order from an immigration judge showing deportation withheld or cancellation of removal under 243(h) or 241(b)(3)

### 3.26.5 Program Eligibility

[Refer to Chapter 2.5 “Program Eligibility”, p. 2-16]

## 4. INS Codes



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### 4.1 INS Documents

When a noncitizen presents an INS document, the county must verify the INS status through SAVE. [Refer to Chapter 6 “SAVE”, p. 6-128]

INS documents and Section Codes are used as a tool to determine eligibility for public benefits. INA Section Codes do not directly indicate State or Federal funding. This chapter provides information about the most commonly used INS Documents and Section Codes and is not intended to be a comprehensive list.



## 4.2 Basic Guide

INS DOCUMENT	CalWORKs	MEDI-CAL	FOOD STAMP/ CFAP	INS COMMENT/ EXPLANATION
None	No	Restricted <sup>a</sup>	No	Ineligible unless they have an A#, then initiate SAVE
Visitor Visa	No	Restricted	No	See noncitizen INS Code in [Refer to Chapter 4.7.1 "Adjustment Admission Codes", p. 4-105]
Passport only	No	Restricted	No	Not annotated for PRS
Passport annotated by INS & I-181	Yes	Yes	Yes	Processed for I-551. Temporary evidence of lawful admission for permanent residence

a. Emergency services and non-emergency pregnancy-related services only.



## 4.3 Sponsorship

Immigration codes only give program eligibility status; they do not indicate whether a customer is sponsored or not. You must ask the customer.



## 4.4 Assorted Documents

INS DOCUMENT	INA CODE/ SECTION	CalWORKs	MEDI-CAL	FOOD STAMP	INS COMMENT/ EXPLANATION
I-94	106	Yes	Yes	No	Indefinite Stay of Deportation
	203(a)(7)	Yes	Yes	Yes	Conditional Entry/Entrant
	207, 207(c)	Yes	Yes	Yes	Refugee
	208; 208(a)	Yes	Yes	Yes	Asylum (granted)
	212(d)(5)	Yes	Yes	Yes	Refugees, Humanitarian Parolees and Public Interest Parolees
	242(b)	Yes	Yes	No	Voluntary Departure
	243(h)	Yes	Yes	Yes	Granted Indefinite Voluntary Departure
	301	No <sup>a</sup>	Yes <sup>b</sup>	No <sup>a</sup>	Family Unity
	AM1,-2,-3 6, 7, 8	Yes	Yes	Yes	Amerasian - Processed for I-551. Temporary evidence of lawful admission for permanent residence
	CFA/MIS, CFA/FSM	Yes	Yes	No	Indefinite legal residents -Republic of the Marshall Islands or Federal States of Micronesia
	IR or P	Yes	Yes	Yes	Immediate Relative Evaluate for Sponsorship
	XA3	Yes	Yes	Yes	Child born subsequent to issuance of parents VISA
	Blank			Yes	Eligible when submitted with INS G-639 if properly annotated as evidence of lawful admission for permanent residence or parolee for humanitarian purposes

INS DOCUMENT	INA CODE/ SECTION	CalWORKs	MEDI-CAL	FOOD STAMP	INS COMMENT/ EXPLANATION
	"Processed for I-551 Temporary admission for permanent residence valid until ____)."	Yes	Yes	Yes	If the date has expired the immigrant must provide the I-551 or be referred to INS.
	"Paroled Pursuant to 212(d)(5)"	Yes	Yes	Yes	Parolee
	"Conditional Entrant"	Yes	Yes	Yes	
	"Humanitarian Parolee"	Yes	Yes <sup>e</sup>	Yes	
	"Public Interest Parolee"	Yes	Yes <sup>e</sup>	Yes	
	"Pending Asylum"	No	Restricted	No	
	"Granted Asylum"	Yes	Yes	Yes	
	"Outstanding Order of Exclusion:"	Yes	Yes	No	
I-181-A		No	Restricted	No	TRS applied for PRS
I-181-B		Yes <sup>c</sup>	Yes	Yes	PRS granted
I-210	242(b)	Yes <sup>d</sup>	Yes	No	Voluntary Departure
I-512	203(a)(7)	Yes	Yes	Yes	Conditional Entrant
	212(d)(5)	Yes	Yes	Yes	Humanitarian Parolee
I-797	301	No <sup>a</sup>	Yes <sup>b</sup>	No <sup>a</sup>	Notice of Action, Family Unity
		Yes	Refer to Chapter 14.4.3	Refer to Chapter 14.4.3	Notice of Action, Battered Noncitizen
I-807		No	Restricted	No	Legally, undocumented

a. Review admission adjustment date on back of card; if adjusted on or after 121/87, then the noncitizen is federally cash eligible on the 5th anniversary of the adjustment date.

- b. Adults get restricted Medi-Cal benefits for 5 years from date of adjustment. ABD and under 18 get full-scope.
- c. PRS granted and 5 years from date of adjustment have passed, OR PRS granted and 3 years from date of adjustment if married to U.S. citizen.
- d. Dependent upon proof of acceptance of residency application to the U.S.
- e Not eligible for RMA, TRMA.

I-688 series cards have an expiration date printed on the front, in a yellow field above the signature line. Only restricted services Medi-Cal may be issued if the card is expired, unless the expiration date has been extended by INS.

INS DOCUMENT	INA SECTION	CalWORKs	MEDI-CAL	FOOD STAMP	INS COMMENT/ EXPLANATION
I-688	210	No	Yes <sup>a</sup>	Yes	SAW
	210A	No	Yes <sup>a</sup>	Yes	RAW
	245A	No	Yes <sup>a c</sup>	No <sup>b</sup>	Amnesty Alien
I-688-A	210	No	Restricted <sup>c</sup>	No	SAW
	210A	No	Restricted <sup>c</sup>	No	RAW
	245A	No	Restricted <sup>c</sup>	No	Amnesty Alien
I-688-B	Various INA Citations	No	Restricted <sup>c</sup>	No	Will need additional documents if the "provision of law" number given is not known to the agency in order to determine category of eligibility.

- a. Adults get restricted Medi-Cal benefits for 5 years from date of adjustment. ABD and under 18 get full-scope.
- b. Temporary residents who are SSI-eligible based on age (65), blindness, or disability may qualify for FS if they do not actually receive SSI.
- c. Emergency and pregnancy related services only.



## 4.5 I-551

INS DOCUMENT I-551					
I-551 Codes given are for lawful permanent status. Other cards (white or green) have no expiration date. New style cards (pink tinted) have 5 or 10 years expiration dates for new photos.					
INS CODE	INA SECTION	CalWORKs	MEDI-CAL	FOOD STAMPS	INS COMMENT/ EXPLANATION
A11,-12,-16,-17		Yes	Yes	Yes	Amerasian unmarried sons and daughters of U.S. citizens, (or children of)
A31,-32,-33,-36,-37,-38		Yes	Yes	Yes	Amerasian married sons and daughters of U.S. citizens, (or children of)
A41,-42,-43,-46,-47,-48		Yes	Yes	Yes	The spouse and children of the Asian-born child of a citizen (above)
AA1,-2,-3 AA6,-7,-8	132 of INA, IMM ACT 90	Yes	Yes	Yes	Principal/spouse/child of Diversity Transition Foreign Sts.
AM1,-2,-3 AM6,-7,-8	584(b)(1)A; B; C	Yes	Yes	Yes	Amerasian, aided as if refugee
AR1,-6	584(b)(1)A; B;C	Yes	Yes	Yes	Amerasian
AR1, AR6		Yes	Yes	Yes	Battered Noncitizen
AS1,-2,-3, AS6,-7,-8	208; 208 (a)	Yes	Yes	Yes	Principal/spouse/child, Asylee
B11, B12, B16, B17, B20-B29, B31-B33, B36-B38, BX1-BX3, BX6-BX8		Yes	Yes	Yes	Battered Noncitizens
CH6		Yes	Yes	Yes	Cuban/Haitian Entrant
CNP		Yes	Yes	Yes	Cuban Refugee, non-Cuban spouse or child of Cuban Refugee



INS DOCUMENT I-551					
I-551 Codes given are for lawful permanent status. Other cards (white or green) have no expiration date. New style cards (pink tinted) have 5 or 10 years expiration dates for new photos.					
INS CODE	INA SECTION	CalWORKs	MEDI-CAL	FOOD STAMPS	INS COMMENT/ EXPLANATION
CUO		Yes	Yes	Yes	Cuban Refugee Parent of U.S. citizen
CUP		Yes	Yes	Yes	Cuban Refugee, non-Cuban spouse or child of Cuban Refugee
C20, -29 CF1, CF2, CR1, 2, 6, 7 CX1, -3, 6-8		Yes	Yes	Yes	Battered Noncitizens
CU6,-7,-8, -9,-10		Yes	Yes	Yes	Cuban Refugee
CUX		Yes	Yes	Yes	Cuban Refugee
DS1		Yes	Yes	Yes	LPR for those born under diplomatic status in the U.S.
DT1,-2,-3, DT6,-7,-8	134 of INA, IMM ACT 90	Yes	Yes	Yes	Displaced Tibetans & dependents (Transitional code, now removed)
DV1,-2,-3, DV6,-7,-8	203(c)	Yes	Yes	Yes	Principal/spouse/child of Diversity Immigrants
E11	203(b)(1) (A)	Yes	Yes	Yes	Noncitizen with extraordinary ability
E12	203(b)(1) (B)	Yes	Yes	Yes	Outstanding professors and researchers
E13	203(b)(1) (C)	Yes	Yes	Yes	Multinational executives and managers
E10,-14,-15, E16,-17,-18, E19	203(d)	Yes	Yes	Yes	Priority workers with extraordinary abilities & dependents
E21 E22,-23,-26,- 27,-28	203(b)(2) 203(d)	Yes	Yes	Yes	Outstanding professors and researchers w/advanced degrees
E30,-31, E33,-34,-35, E36,-37,-39	203(b)(3) (A)(i);(ii); 203(d)	Yes	Yes	Yes	Skilled workers, professionals, other workers & dependents

INS DOCUMENT I-551					
I-551 Codes given are for lawful permanent status. Other cards (white or green) have no expiration date. New style cards (pink tinted) have 5 or 10 years expiration dates for new photos.					
INS CODE	INA SECTION	CalWORKs	MEDI-CAL	FOOD STAMPS	INS COMMENT/ EXPLANATION
E32, E34,-5	203(b)(3) (A)(i) 203(d)	Yes	Yes	Yes	Skilled workers, professionals, other workers & dependents
E51,-52,-53, E56,-57,-58		Yes	Yes	Yes	Employment Creation
EC6		Yes	Yes	Yes	Unsure of definition
ESI	203(b)(2)	Yes	Yes	Yes	Soviet Scientist
EW3,-4,-5, -8,-0	203(b)(3) (A)(iii); 203(d)	Yes	Yes	Yes	Other (non skilled) workers & dependents
F11, F12	203(a)(l) 203(d)	Yes	Yes	Yes	Unmarried sons and daughters of U.S. citizens (or children of)
F16,-17		Yes	Yes	Yes	Immigrant
F21,-22, F23	203(a)(2) (A) 203(d)	Yes	Yes	Yes	Spouse/children/or children of children of noncitizen residents
F20, F24, F25, F26,-27,-28, -29	203(a)(2) (B) 203(d)	Yes	Yes	Yes	Unmarried sons and daughters of noncitizen residents (or child of) Also Battered Noncitizens
F31, F32,-33, F36,-37,-38	203(a)(3) 203(d)	Yes	Yes	Yes	Principal/spouse/child of married sons and daughters of U.S. citizens
F41 F42,-43, F46,-47,-48	203(a)(4) 203(d)	Yes	Yes	Yes	Principal/spouse/child of brothers and sisters of U.S. citizens
FX1,-2,-3, FX6,-7,-8	202(a)(4) (A); 203(a)(2) (A); 203(d)	Yes	Yes	Yes	Spouse/children/ or children of children of noncitizen residents Also Battered Noncitizens
HK1,-2,-3, HK6,-7,-8	124 of INA, IMM ACT 90	Yes	Yes	Yes	Employee of U.S. business in Hong Kong & dependents

INS DOCUMENT I-551					
I-551 Codes given are for lawful permanent status. Other cards (white or green) have no expiration date. New style cards (pink tinted) have 5 or 10 years expiration dates for new photos.					
INS CODE	INA SECTION	CalWORKs	MEDI-CAL	FOOD STAMPS	INS COMMENT/ EXPLANATION
IB1-IB3, IB6-IB8		Yes	Yes	Yes	Battered Noncitizens
IC6,-7,-8,-9	207	Yes	Yes	Yes	Indochinese Refugee
IF1,-2		Yes	Yes	Yes	Fiance and fiance's child Also Battered Noncitizens
IR1,-2	Old - 201(b) New - 201 (B)(2)(A)(I)	Yes	Yes	Yes	Immediate relative of U.S. citizen Also Battered Noncitizens
IR3,-4	201(b); 101 (b)(1)(F)	Yes	Yes	Yes	Orphan adopted abroad or in U.S. by citizen Also Battered Noncitizens
IR5	Old - 201(b) New - 201 (B)(2)(A)(i)	Yes	Yes	Yes	Parent of U.S. citizen
IR6,-7,-0		Yes	Yes	Yes	Immediate relative of U.S. citizen Also Battered Noncitizens
IR8,-9		Yes	Yes	Yes	Adoption admit Also Battered Noncitizens
IW-1, -6	201(B)(2) (A)(i)	Yes	Yes	Yes	Widow of U.S. citizen, IW-2 expired 10/24/96
IW-1, IW2, IW6, IW7		Yes	Yes	Yes	Battered Noncitizens
JW1,		Yes	Yes	Yes	Widows, Widowers
KIP		Yes	Yes	Yes	Kickapoo Indian. Free pass on borders - can live and work in U.S.
KIC		Yes	Yes	Yes	Kickapoo Indian - U.S. citizen
LA6		Yes	Yes	Yes	Immigrant
LB1,-2,-6,-7	112 of INA, IMM ACT 90	Yes	Yes	Yes	Spouse and children of legalized noncitizens (Family Unity) (Transitional code, now removed)

INS DOCUMENT I-551					
I-551 Codes given are for lawful permanent status. Other cards (white or green) have no expiration date. New style cards (pink tinted) have 5 or 10 years expiration dates for new photos.					
INS CODE	INA SECTION	CalWORKs	MEDI-CAL	FOOD STAMPS	INS COMMENT/ EXPLANATION
MB3		Yes	Yes	Yes	Refugee — Escapee
M83		Yes	Yes	Yes	Escapee
M93		Yes	Yes	Yes	Hungarian Parolee
MP5		Yes	Yes	Yes	Amnesty — 5 years expired
MR6, 7, 0		Yes	Yes	Yes	Family of LPR (Northern Mariana Islands) Also Battered Noncitizens
NA3, NA		Yes	Yes	Yes	Child of PRS noncitizen born when mother was legally outside U.S.
NP-1		Yes	Yes	Yes	Child of P6-1, nonpreference immigrant
NP0, NP5		Yes	Yes	Yes	Principal/spouse/children of nonpreference noncitizens under IRCA
NP1,-6,-7,-8		Yes	Yes	Yes	Quota immigrant, not sponsored
NP8, 9		Yes	Yes	Yes	Investors and family prior to 6/1/78
OIM		Yes	Yes	Yes	Amnesty — 5 years expired
OP1		Yes	Yes	Yes	Excess quota immigrant, selected by lottery, not sponsored
P1-1, P1-2 (old) See F11,F12	203(a)(1) 203(a)(8)	Yes	Yes	Yes	Dependents of U.S. citizens
P2-1,-2, -3 (old); See F21, 22, 23, 24	203(a)(2) 203(a)(8)	Yes	Yes	Yes	Preference admit, spouse/stepchild
P21-P23 P26-P28		Yes	Yes	Yes	Battered Noncitizens

INS DOCUMENT I-551					
I-551 Codes given are for lawful permanent status. Other cards (white or green) have no expiration date. New style cards (pink tinted) have 5 or 10 years expiration dates for new photos.					
INS CODE	INA SECTION	CalWORKs	MEDI-CAL	FOOD STAMPS	INS COMMENT/ EXPLANATION
P3-1 P3-2,-3 (old) See E21,22,23	203(a)(3) 203(a)(8)	Yes	Yes	Yes	Professional scientist, spouse & children
P4-1, P4-2,-3 (old); See F31,32, 33	203(a)(4) 203(a)(8)	Yes	Yes	Yes	Spouse/stepchild, above
P4-6,-7,-8		Yes	Yes	Yes	Preference admit, fiancé and family
P6-1 P6-2,-3 (old) See E32,-4,-5 EW3,-4,-5	203(a)(6) 203(a)(8)	Yes	Yes	Yes	Unskilled/Skilled Employment 3rd Preference, spouses, children
P11,-12,-16, -17		Yes	Yes	Yes	Citizen's child and grandchild
P21,-22,-23, -26,-27,-28		Yes	Yes	Yes	Spouse and unmarried child of PRS noncitizen
P31,-32,-33, -36,-37,-38		Yes	Yes	Yes	Professional/skilled immigrant and family
P41,-42,-43, -46,-47,-48		Yes	Yes	Yes	Citizen's married child and family of that child
P5-1 P5-2,-3 (old); See F41,42,43	203(a)(5) 203(a)(8)	Yes	Yes	Yes	Sibling of an adult citizen and family of that sibling
P51,-52,-53, -56,-57,-58		Yes	Yes	Yes	Sibling of an adult citizen and family of that sibling
P6-1,-2,-3, P61,-62,-63		Yes	Yes	Yes	Needed skilled or unskilled worker and family - RAW
P66,-67,-68		Yes	Yes	Yes	Unskilled Workers
R16,-26		No <sup>a</sup>	Yes <sup>b</sup>	Yes	RAW
R51 -2,-3		Yes	Yes	Yes	Investor Pilot Program

INS DOCUMENT I-551					
I-551 Codes given are for lawful permanent status. Other cards (white or green) have no expiration date. New style cards (pink tinted) have 5 or 10 years expiration dates for new photos.					
INS CODE	INA SECTION	CalWORKs	MEDI-CAL	FOOD STAMPS	INS COMMENT/ EXPLANATION
R86	207	Yes	Yes	Yes	Refugee
RE1,-2,-3,-6,-7,-8	207	Yes	Yes	Yes	Refugee
RN6,-7,-8		Yes	Yes	Yes	Former H-1 Nurse, family
S13		Yes	Yes	Yes	American indians born in Canada
S16,-26		No <sup>b</sup>	Yes <sup>b</sup>	Yes	SAW
SA1,-2,-3,-6,-7,-8		Yes	Yes	Yes	Section 101, Immigrant family
SB-1	101(a)(27) (A)	Yes	Yes	Yes	Returning Resident
SC-1,-2,-6,-7	101(a)(27) (B); 324(a); 327	Yes	Yes	Yes	Former U.S. citizen
SD1,-2,-3,-6-7,-8	Old: 101(a)(27) (C); 203(b)(4) New: 101(a)(27) (C)(ii)(I)	Yes	Yes	Yes	Minister and dependents
SE1,-2,-3, SE6,-7,-8	Old: 101(a)(27) (D); New: 101(a)(27) (D), 203(b)(4), 203(d)	Yes	Yes	Yes	Former employee of the U.S. government & dependents
SEH, SEK		Yes	Yes	Yes	Employee of the U.S. Mission in Hong Kong & dependents
SF1,-2,-6 SG1,-2,-6,-7, SH1,-2,-6,-7	101(a)(27) (E); (F); (G); 203(d)	Yes	Yes	Yes	Former Panama Canal Employees & dependents

INS DOCUMENT I-551					
I-551 Codes given are for lawful permanent status. Other cards (white or green) have no expiration date. New style cards (pink tinted) have 5 or 10 years expiration dates for new photos.					
INS CODE	INA SECTION	CalWORKs	MEDI-CAL	FOOD STAMPS	INS COMMENT/ EXPLANATION
SJ1,-2,-6,-7	101(a)(27) (H)	Yes	Yes	Yes	Foreign Medical Graduate and dependents
SK1,-2,-3,-4	101(a)(27) (I)(i);(ii);(iii); (iv)	Yes	Yes	Yes	Retired international organization employees & dependents
SK6,-7,-8,-9		Yes	Yes	Yes	Family of SK1 or SK6
SL1,-6	101(a)(27) (J)	Yes	Yes	Yes	Juvenile Court Dependents
SM1, -2,-3,-4,-5	101(a)(27) (K)	Yes	Yes	Yes	Noncitizen recruited outside U.S., served/enlisted U.S. Armed Forces
SR1,-2,-3, SR6,-7,-8	101(a)(27) (C)(i);(ii);(iii)	Yes	Yes	Yes	Religious Workers & dependents Certain Special Immigrants
T51,-2,-3		Yes	Yes	Yes	Employment creation in targeted area
TW1		Yes	Yes	Yes	Widow of U.S. citizen (married for 2 years)
VI-5,-6,-7,-10	201(b) & INA 2 of V.I. NAA ACT	Yes	Yes	Yes	Parent of citizen from the Virgin Islands and Adjustment
W16,-26,-36		No <sup>a</sup>	Yes <sup>b</sup>	No <sup>c, b</sup>	Amnesty Alien
Y-1 thru 16, 64	207	Yes	Yes	Yes	Refugee
Z-3		Yes	Yes	Yes	Generic LPR
Z03, Z33, Z66		Yes	Yes	Yes	Adjusted to LPR status through registry
Z1, Z11		Yes	Yes	Yes	Suspension of deportation, adjusted as preference or non-preference

INS DOCUMENT I-551					
I-551 Codes given are for lawful permanent status. Other cards (white or green) have no expiration date. New style cards (pink tinted) have 5 or 10 years expiration dates for new photos.					
INS CODE	INA SECTION	CalWORKs	MEDI-CAL	FOOD STAMPS	INS COMMENT/ EXPLANATION
Z13		Yes	Yes	Yes	May indicate Battered Noncitizen, Institute Secondary SAVE
Z66		Yes	Yes	Yes	Registry cases, prior to 1/1/72

- Review admission adjustment date on back of card; if adjusted on or after 5/1/87, then the noncitizen is federally cash eligible on the 5th anniversary of the adjustment date.
- Temporary residents who are SSI-eligible based on age (65), blindness, or disability may qualify for FS if they do not actually receive SSI.
- Adults get restricted Medi-Cal benefits for 5 years from date of adjustment. ABD and under 18 get full-scope.



## 4.6 I-551 — Conditional

INS DOCUMENT I-551					
The I-551 codes shown below are given for Conditional Status and have a two-year expiration date on the back. If the card is expired, only restricted services Medi-Cal may be received.					
INS CODE	INA SECTION	CalWORKs	MEDI-CAL	FOOD STAMP	INS COMMENT/EXPLANATION
C2-1,-2,-3 (old), CF-1,-2; See C21, 22,23	203(a)(2), 216	Yes	Yes	Yes	2 year expiration date on back, Preference, citizen's spouse, spouse's child, citizen's fiancé, and families of these noncitizens.
C2-6,-7, CF1,-2, C4-6,-7,-8		Yes	Yes	Yes	2 year expiration date on back, Preference, citizen's spouse, spouse's child, citizen's fiancé, and families of these noncitizens



INS DOCUMENT I-551					
The I-551 codes shown below are given for Conditional Status and have a two-year expiration date on the back. If the card is expired, only restricted services Medi-Cal may be received.					
INS CODE	INA SECTION	CalWORKs	MEDI-CAL	FOOD STAMP	INS COMMENT/EXPLANATION
C4-1,-2,-3 (Old); See C31, C32, C33	203(a)(4), 216 203(a)(8), 216	Yes	Yes	Yes	2 year expiration date on back, Preference, citizen's spouse, spouse's child, citizen's fiancé, and families of these noncitizens
C11,-12, -16, -17		Yes	Yes	Yes	2 year expiration date on back, child or grandchild of citizen
C21,-22, -23  C24  C25	203(a)(2) (A); 216; 203(d) 203(a)(2) (B) 203(d)	Yes	Yes	Yes	2 year expiration date on back, Preference, citizen's spouse, spouse's child, citizen's fiancé, and families of these noncitizens.
C-26,-27,-28		Yes	Yes	Yes	2 year expiration date on back, Spouse/children/or children of children of noncitizen residents
C20,-24, -25, C29		Yes	Yes	Yes	2 year expiration date on back, Unmarried sons and daughters of noncitizen residents
C31, C32, C33,	203(a)(3) 203(d);216 (a)(I); 216 203(d)	Yes	Yes	Yes	2 year expiration date on back principal/spouse/child of married sons and daughters of U.S. citizens
C36, -37,-38		Yes	Yes	Yes	2 year expiration date on back principal/spouse/child of married sons and daughters of U.S. citizens
C4-1,-2,-3, C41,-42, -43,-46,-47 , -48		Yes	Yes	Yes	2 year expiration date printed on back. Citizen's married child and family of that child
C51,-52, -53, C56, -57,-58	203(b)(5) (A); 203(d)	Yes	Yes	Yes	Employment Creation
CR1,-2,-6, -7	Old - 201(b), 216 New - 201(B)(2) (A)(i)	Yes	Yes	Yes	2 year expiration date on back, preference spouse, child, stepchild of U.S. citizen

INS DOCUMENT I-551					
The I-551 codes shown below are given for Conditional Status and have a two-year expiration date on the back. If the card is expired, only restricted services Medi-Cal may be received.					
INS CODE	INA SECTION	CalWORKs	MEDI-CAL	FOOD STAMP	INS COMMENT/EXPLANATION
CX1,-2,-3, CX6,-7,-8	203(a)(4) (A); 203(d); 216	Yes	Yes	Yes	2 year expiration date printed, spouse/children/or children of children of noncitizen residents
NP2, 7		Yes	Yes	Yes	Accompanied person in class P71
P71, 76		Yes	Yes	Yes	Conditional entry by refugee
P72		Yes	Yes	Yes	Conditional entry by natural calamity victim
T51,-52, -53-56,-57, -58	203(b)(5) (B); 203(d)	Yes	Yes	Yes	2 year expiration date on back, employment creation, targeted
XB, XB3		Yes	Yes	Yes	Noncitizen presumed to be LPR
XE3, XF3,		Yes	Yes	Yes	Child born abroad subsequent to issuance of a VISA
Y64		Yes	Yes	Yes	Refugee pre 7/53
Z2, Z11		Yes	Yes	Yes	Adjustment Codes
Z03		Yes	Yes	Yes	Record created before 6/28/40
Z33		Yes	Yes	Yes	Record created before 7/1/24
Z66		Yes	Yes	Yes	Adjusted under Sec. 245 of INA but are not Amnesty Aliens



## 4.7 I-151

INS DOCUMENT I-151				
The INS form I-151 was not used after 1979; however, I-151 codes may be found in replacement I-551s issued after that time.				
INA CODE/ SECTION	CalWORKs	MEDI- CAL	FOOD STAMP	INS COMMENT/EXPLANATION
AS6,-7,-8	Yes	Yes	Yes	Asylum
CU6,-7	Yes	Yes	Yes	Cuban Refugee
IC6,-7	Yes	Yes	Yes	Indochinese Refugee
IR6,-7,-0	Yes	Yes	Yes	Immediate relative of citizen
IR8,-9	Yes	Yes	Yes	Adoption admit
M-1	Yes	Yes	Yes	Spouse of U.S. citizen
M83	Yes	Yes	Yes	Refugee-escapee
M93	Yes	Yes	Yes	Hungarian parolee
NP5,-6,-7,-8	Yes	Yes	Yes	Immigrant
P16,-17	Yes	Yes	Yes	Citizen's family members
P26,-27, -28	Yes	Yes	Yes	PRS noncitizen's family
P36,-37,	Yes	Yes	Yes	Professional/skilled noncitizen and family
P46,-47, -48	Yes	Yes	Yes	Citizen's child, in-laws, and grandchild
P56,-57, -58	Yes	Yes	Yes	Adult-citizen sibling and family
P66,-67, -68	Yes	Yes	Yes	Needed-skill noncitizen and family
SA1,-2,-3, 6, 7, 8	Yes	Yes	Yes	Section 101 Immigrant
Y64	Yes	Yes	Yes	Refugee, pre 7-53
Z03 or Z-0	Yes	Yes	Yes	Record created before 6/28/40
Z33 or Z-3	Yes	Yes	Yes	Record created before 7/1/24

## 4.7.1 Adjustment Admission Codes

The following is a list of older adjustment/admission codes which are also appearing on new I-551's as customers are renewing their documents.

**Note:**

These same codes on the I-94 have an entirely different meaning; be sure to pay attention to the document you are viewing.

A-1	A-2	A-3	AR1	AR6	AS6	AS7	AS8	A11	A12	A16	A17	A41	A42
A43	A46	A47	A48	CF1	CF2	CH6	CNP	CR1	CR2	CR6	CR7	CUP	CUO
CU6	CU7	CU8	CU9	C21	C22	C23	C26	C27	C28	C41	C42	C43	C46
C47	C48	C7P	DP	DS1	IC6	IC7	IF1	IF2	IMM	IRO	IR1	IR2	IR3
IR4	IR5	IR6	IR7	IR8	IR9	K-1	K-2	K-3	K-4	K-5	K-6	K-7	K-8
K-9	KIC	KIP	KN4	KP4	KR3	KR4	KS3	KS4	KT4	KU4	K10	K11	K12
K13	K14	K15	K16	K17	K18	K19	K20	K21	K22	K23	K24	K25	K26
KN4	KP4	KR3	KR4	KS3	KS4	KT4	KU4	M-1	M-2	M-3	M-4	M-8	M-9
MRO	MR6	MR7	M83	M93	N	NA	NA3	NPO	NP1	NP2	NP5	NP6	NP7
NP8	NP9	O-1	O-2	O-3	P-1	P-2	P-3	P-7	P11	P12	P16	P17	P21
P22	P23	P26	P27	P28	P31	P32	P33	P36	P37	P38	P41	P42	P43
P46	P47	P48	P51	P52	P53	P56	P57	P58	P61	P62	P63	P66	P67
P68	P71	P72	P76	Q-1	Q-2	Q-3	R-1	R-2	R-3	REF	RE6	RE7	RE8
RRA	R86	SA1	SA2	SA3	SA6	SA7	SA8	SC1	SC2	SC6	SC7	SD1	SD2
SD3	SD6	SD7	SD8	SE1	SE2	SE3	SE6	SE7	SE8	SF1	SF2	SF6	SF7
SG1	SG2	SG6	SG7	SH1	SH2	SH6	SH7	SJ2	SJ6	SJ7	SK1	SK2	SK3
SK4	SK6	SK7	SK8	SK9	S13	T-1	T-2	T-3	U	U-1	U-2	V-1	V-2
V10	V15	V16	V17	W-1	W-2	W-3	W-4	W-5	X	XA	XA3	XB	XB3
Y-1	Y-2	Y-3	Y-4	Y-5	Y-6	Y-7	Y-8	Y-9	Y10	Y11	Y12	Y13	Y14
Y15	Y16	Y2A	Y64	Z-0	Z-1	Z-2	Z-3	Z-4	Z-5	Z-6	Z-7	Z-8	Z-9
Z03	Z11	Z13	Z33	Z41	Z43	Z56	Z57	Z66	Z83	Z91	1	12	12A
12C	13A	2	2-C	2-D	2-E	2-F	2-G	2C6	231	3-B	3-C	3B2	3B3
3B4	317	318	4	4-A	4-B	4-C	4-D	4-F	5	503	6	6-A	6A1
6A2	6A3												



## 4.8 Non-Immigrants

Non-immigrants are noncitizens who come to the U.S. only for a temporary purpose and for a temporary period of time.

### 4.8.1 Non-Immigrant INS Codes

Employment in the U.S. is not permitted for noncitizen residents in the U.S. unless INS has properly authorized employment by issuing the I-688B. Any I-94 noted with the letters (A) through (S) in the upper right hand section makes the noncitizen ineligible for cash aid or Food Stamps. They may be eligible for Medi-Cal pregnancy and related emergency services. The following INS codes are used for noncitizens who are non-immigrant visitors to the U.S.:

INS/VISA CODE	DESCRIPTION	INA SECTION	LENGTH OF STAY
A-1, 2	Ambassadors, other foreign diplomats and their families	101(a)(15)(A)(i); (ii)	Duration of status
A-3	Servants of A-1s	101(a)(15)(A)(iii)	3 years
B-1, B-2	Temporary visitors for business/pleasure. Tourists	101(a)(15)(B)	6 mo-1 yr.
C-1, 2, 3	Noncitizens in transit to destination	101(a)(15)(C); 212 (d)(8)	29 days
D-1, 2	Crewmember	101(a)(15)(D)	29 days
E-1, 2	Treaty investors, spouse and children	101(a)(15)(E)(i); (ii)	No time limit
F-1, 2	Students and their spouses/children	101(a)(15)(F)(i); (ii)	Duration of status
G-1, 2, 3, 4, 5	International representatives, employees, their families and servants	101(a)(15)(G)(i); (ii); (iii); (iv); (v)	Duration of Status
H-1	Temporary Worker		2 years
H-2	Temporary Worker		1 year
H1-A	Registered Nurse	101(a)(15)(H)(i)(a)	I-129 & 30 days
H1-B	Noncitizen in specialty occupation	101(a)(15)(H)(i)(b)	3 years
H-2A, 2B	Temporary Agricultural/Skilled Worker	101(a)(15)(H)(ii)(a); (b)	3 years
H-3	Trainee	101(a)(15)(H)(iii)	1 year

INS/VISA CODE	DESCRIPTION	INA SECTION	LENGTH OF STAY
H-4	Spouse/child of H1-A through H-3	101(a)(15)(H)(iv)	Varies
I	Information media, spouse and children	101(a)(15)(I)	1 year
J-1, 2	Exchange visitor, spouse and children	101(a)(15)(J)	IAP-66, 30 days, max 1 year
K-1, 2	Fiance or fiancée of U.S. citizen, child	101(a)(15)(K)	90 days
L-1, 2	Intra company transferee, spouse and children	101(a)(15)(L)	3 year max
M-1, 2	Technical and trade student, spouse and children	101(a)(15)(M)	1 year
NATO 1-7	NATO member, representative, etc.		Unknown
N-8	Parent of noncitizen child classified SK-3	101(a)(15)(N)(i)	Unknown
N-9	Child of parent classified N-8 or of noncitizen classified SK-1, SK-2, SK-4	101(a)(15)(N)(ii)	Unknown
O-1	Noncitizens with extraordinary ability	101(a)(15)(O)(i)	Unknown
O-2	Accompanying noncitizen	101(a)(15)(O)(ii)	Unknown
O-3, O-4	Spouse or child of O-1 or O-2	101(a)(15)(O)(iii)	Unknown
P-1	Internationally recognized athlete/entertainer	101(a)(15)(P)(i)	Unknown
P-2	Artist/Entertainer in a reciprocal exchange program	101(a)(15)(P)(ii)	Unknown
P-3	Artist/Entertainer in a culturally unique program	101(a)(15)(P)(iii)	Unknown
P-4	Spouse or child of P-1, P-2, P-3	101(a)(15)(P)(iv)	Unknown
Q, Q-1	Participant in an international cultural exchange program	101(a)(15)(Q)	Unknown
R-1	Noncitizen in religious occupation	101(a)(15)(R)	Unknown
R-2	Spouse or child of R-1	101(a)(15)(R)	Unknown
S-1, -2	Non-immigrant classification (informant)	101(a)(15)(S)(i); (ii)	Unknown
S-5, -7	Supplying information relating to crime or treason		Unknown
TC	Canadian citizen seeking temporary entry pursuant to Free Trade Agreement		Unknown
TD	Spouse of NAFTA Professional	214(e)(2)	Unknown

INS/VISA CODE	DESCRIPTION	INA SECTION	LENGTH OF STAY
TN	NAFTA Professional	214(e)(2)	Unknown
TWOV	In transit without VISA		Unknown
WB	Visitor for business VISA waived		Unknown
WT	Visitor for pleasure VISA waived		Unknown

## 4.8.2 Non-Immigrant Forms

The following is a list of non-immigrant forms. If the customer presents any of these forms with the following notations, they are not cash aid or Food Stamp eligible.

INS FORM	NOTATION
I-94	<ul style="list-style-type: none"> <li>Asylum Applicant</li> <li>Asylum Applicant Pending</li> <li>I-589 Applicant</li> <li>I-589 Applicant Pending</li> <li>Parolees who are not Cuban/Haitian Entrants, admitted into the U.S. for a definite period of time. The specific date will be stamped or typed on the I-94.</li> </ul>
Non-Immigrant Visa	There are several types of visas which may include, but are not limited to, visitors and student visas. The visa may be a separate form or stamped in the noncitizen's foreign passport.
I-144	"Mexican Border Visitor's Permit"
I-185	<p>"Nonresident Alien Canadian Border Crossing Card," also "Nonresident Alien Canadian Border Crossing Identification Card", which is a stamp placed on the noncitizen's passport or travel document.</p> <p>NOTE: Canadians may be admitted to the U.S. for periods up to six months for pleasure or business without issuance of immigration documents. However, they should travel with evidence of citizenship.</p>
I-186	"Nonresident Alien Mexican Border Crossing Card"
WR-495	Western Hemisphere Noncitizens. The court suit of Silva v. Levi had previously prevented these noncitizens from being deported. The injunction has now expired and this document is no longer acceptable.
I-640	This letter was issued as a result of the court suit of Contreras v. Bell. The injunction has now been lifted and the document is no longer acceptable.
I-688A	"Employment Authorization Identification Card", must have additional INS documentation to be eligible.

## 5. Immigration Forms

Identifying a noncitizen's immigration status to determine whether they are eligible for public assistance is a difficult task. Persons with similar documents might have different immigration status, and therefore be eligible for different benefits. You must be able to identify the document provided in order to determine the noncitizen's immigration status. Then match that information to each aid program to determine eligibility for benefits.

The immigration forms described in this section are forms that have been submitted to our agency by customers and from other available resources. It is not all inclusive. Un-numbered immigration forms are listed separately from numbered forms. The numbered forms are in numerical order disregarding any letters that may be present.



### 5.1 Un-numbered Immigration Forms

#### 5.1.1 Foreign Passports

A passport is a travel document issued by a government agency showing the person's national origin, identity, and current nationality. This is valid for the entry of the person into a foreign country.

Foreign passports are not proof of U.S. citizenship. Caution must be exercised as to the type of stamp that appears on a foreign passport since American Consulates grant visitors visas and other types of visas for temporary admission by stamping the foreign passport.

Exception:

The only time a foreign passport can be proof of lawful permanent residence is when it is annotated by statements:

“Processed for I-551” with a handwritten “Valid Until” date, or  
“Conditional Permanent Resident”.



### “Processed for I-551”

INS may stamp a noncitizen's foreign passport with the words “Temporary evidence of permanent noncitizen status” as acceptable proof of legal entry pending issuance of an alien card. The INS stamp may give a date “valid until \_\_\_\_\_,” but the noncitizen's card may not be processed by the expiration date.

INS confirms that the stamped foreign passport is considered proof of permanent resident noncitizen status even after the expiration date since the determination of permanent status was completed prior to the passport being stamped.

#### Note:

The case must be followed up in six months for the noncitizen to provide an updated INS document. If the recipient has not received their permanent alien card within this six-month period, refer the noncitizen to INS for verification. Follow up the case in another six months to check for the receipt of the alien card.

### “Conditional Resident”

Noncitizens granted conditional permanent residence under the “Immigration Marriage Fraud Amendments of 1986” may have their passports endorsed with the new conditional visa classification and the expiration date of the noncitizen's conditionally admitted status.

The passport of a noncitizen admitted on 11/15/86 as a conditional permanent resident would be endorsed:

ADMITTED: CR-1  
UNTIL: November 15, 1988

These conditional permanent residents are eligible for CalWORKs, GA and Food Stamps providing the expiration date has not passed and all other eligibility requirements are met.

## 5.1.2 Visas

A visa is a temporary authorization to enter the United States, usually in the form of a stamp (in a passport) or a card. Visas are issued by the Department of State. There are two kinds of visas:

- Permanent Resident or Immigrant Visa which grants lawful permanent resident status to the bearer, and
- Nonimmigrant Visas which grants the person permission to stay in the country (for example: tourists, students, etc.) but does not grant the person the privileges of the lawful permanent resident.



## 5.2 Numbered Immigration Forms

### 5.2.1 AR-3/AR-3a “Alien Registration Receipt”

The AR-3/AR-3a is an older version of the current I-551 “Alien Registration Receipt Card”. These cards were issued between 1941 and 1949 to lawful permanent residents. The I-551 now replaces this card. Even though customers were informed that they must update their old documents, the AR-3 or the AR-3a is acceptable as verification of lawful permanent status.

### 5.2.2 I-94 “Arrival-Departure Form”

The I-94 is issued by INS to almost all noncitizens upon entry to the U.S. It creates a record of arrival and departure. The card shows the noncitizen's immigration category or section of the law under which the person is granted admission. This is shown on the “admitted” line and may be printed or stamped. The words “Employment Authorized” may also be stamped on the card. The I-94 may or may not include an A-Number and does not have a photograph. Noncitizens with I-94s include:

- Section 203(a)(7) — Conditional Entry
- Section 207 — Refugee
- Section 208, 208 (a) — Asylum
- Section 212(d)(5) — Parolee
- Section 243(h)
- Cuban Haitian Entrant
- Persons in deportations hearings
- Nonimmigrants, and
- Short term employment authorized persons.

Processed for I-551: While processing a noncitizen's record prior to the issuance of the I-551, INS may issue an interim I-94 stamped: “Processed for I-551. Temporary evidence of lawful admission for permanent residence valid until

\_\_\_\_\_. Employment authorized.” At times, INS may have a backlog that results in a delay of processing I-551 requests. In these cases, initiate secondary SAVE to verify the individuals status.

INS may also issue an I-94 stating the form is to be used as a “Temporary I-551.” This form is used for the same purposes as the alien card, including authorization for employment, when the original has been lost or stolen.

Besides the “Temporary I-551” form, a noncitizen may have a receipt for fees paid to replace the I-551. The receipt by itself is not sufficient evidence of a noncitizen's legal status: Secondary SAVE must also be completed.

## Parolee

Noncitizens who do not enter the country as immigrants or non-immigrants are sometimes paroled in the U.S. at the discretion of the government. Only I-94's printed “paroled pursuant to Section 212(d)(5) of the Immigration and Nationality Act” for an indefinite period are acceptable verification of parole status. [Refer to Chapter 3.16 “Parolee”, p. 3-67]

## Refugee

A noncitizen who has entered the U.S. as a non-immigrant, or entered without inspection, because of persecution or due to race, religion or political opinion may be granted voluntary departure by the INS as a refugee or an asylee (see section below). Refugees may be issued an I-94 that is stamped: “Admitted as a Refugee pursuant to Section 207 of the Immigration and Nationality Act. If you depart the U.S., you will need prior permission from INS to return. Employment authorized.” [Refer to Chapter 3.20 “Refugees”, p. 3-75]

## Asylee

Asylees are persons from any country who have been granted asylum under Section 208 or 208(a) of the INA. For the first 8 months from the date of entry into the U.S., cash eligibility is to be determined under the Refugee Cash Assistance Program (RCA). [Refer to Chapter 3.3 “Asylees”, p. 3-38]

## Non-Immigrants

Persons enter and depart the U.S. for many reasons, such as tourism, entertainment, short time business, etc. and are issued a non-immigrant I-94. (Effective 4/1/97, the Mexican Border Visitor's Permit [I-444] was replaced by the I-94.) Their admittance is of a temporary nature and their I-94 will say “Admitted

(class) until (specific date)". These persons are not entitled to receive any public benefits other than Medi-Cal pregnancy related and emergency services if California residency requirements are met. [Refer to Chapter 3.23 "Undocumented Persons", p. 3-81 for more information on non-immigrants.]

**Exception:**

Prior to August 13, 1982, Cuban/Haitian Entrants were issued I-94's stating "Status Pending." Even though the "reviewable" date has expired, these I-94's are valid until further notice. Effective August 13, 1982, the I-94S has been issued to Haitians paroled into the U.S. under the terms of court order *Louis v. Nelson, et. al.* The expiration date is invalid as they have an Indefinite Parole Status until further notice.

### 5.2.3 I-134 "Affidavit of Support"

Sometimes immigrants are "sponsored" when they apply for an immigration visa. Sponsors submit an "Affidavit of Support" promising to financially assist the immigrant should it be needed. When an immigrant is sponsored (prior to 12/19/97) they are issued an I-134 and subject to sponsorship deeming for three years from their date of arrival. If the customer has presented conflicting information regarding sponsorship, the county can request a copy of the I-134 from INS using the secondary SAVE request procedure and asking INS to provide a copy of the I-134.

When an immigrant is sponsored (after 12/19/97) they are issued an I-864 "Affidavit of Support". [Refer to Chapter 5.2.29 "I-864 Affidavit of Support", p. 5-125 for more information about this affidavit]

### 5.2.4 I-151 "Resident Alien Card"

The I-151 was issued to those who were granted lawful permanent resident status prior to 1979. It is an older version of the current I-551. Even though customers were informed that they must update their old documents, the I-151 is acceptable as verification of lawful permanent residence. Several versions of the I-151 were issued because of periodic revisions.

### 5.2.5 I-179 "U.S. Citizen Identification Card"

The I-179 was issued to U.S. citizens to facilitate crossing land borders. INS stopped issuing this card in February, 1974. Cards issued up to February 1974, to U.S. citizens remain valid.

Note:

The only valid identification cards are as follows:

I-179 - Issued prior to February, 1994, and

I-197 - Issued from February, 1974 until April 7, 1983

[Refer to 2.9 "U.S. Citizen Identification Card", p. 5-116 for more information.]

## 5.2.6 I-181a "Memorandum of Creation of Record of Lawful Permanent Residence"

The I-181a is a notification letter from INS issued when a immigrant with Temporary Protected Status (TPS) has applied for Permanent Resident Status (PRS). This is a temporary identification document. The noncitizen should receive their permanent I-551 within a year.

The I-181b, if issued, will show that PRS was granted.

## 5.2.7 I-185 "Canadian Border Crossing Card"

The I-185 is the border crossing card issued to Canadian citizens and certain British subjects who are lawful permanent residents of Canada. It is for persons making a temporary visit for business or pleasure and issued only to residents of Canada who previously have been declared inadmissible to the U.S. but have been granted a waiver.

## 5.2.8 I-186 "Nonresident Alien Mexican Border Crossing Card"

This card has been replaced by the I-586. [Refer to Chapter 5.2.21 "I-586 Mexican Border Crossing Card", p. 5-119]

## 5.2.9 I-197 "U.S. Citizen Identification Card"

The I-197 was issued to U.S. citizens to facilitate crossing land borders. INS stopped issuing this card on April 7, 1983. Cards issued between February, 1974 and April 7, 1983, to U.S. citizens remain valid.

Note:

The only valid identification cards are as follows:

- I-179 - Issued prior to February, 1994, and
- I-197 - Issued from February, 1974 until April 7, 1983

[Refer to Chapter 5.2.5 "U.S. Citizen Identification Card", p. 5-115 for more information.]

## 5.2.10 I-210 "Voluntary Departure"

Voluntary Departure is a status that entitles a noncitizen to stay in the U.S. for either a specific time period or indefinitely. Voluntary departure can be granted by INS before deportation proceedings have begun or by an Immigration Judge during deportation proceedings.

## 5.2.11 I-221 "Order To Show Cause"

The I-221 begins formal deportation proceedings. If the noncitizen has an I-221, it means they can be taken into INS custody or released either on their own recognizance or after posting a bond. Information about the release will be attached to the order. If the noncitizen fails to appear for their deportation hearing they will be ordered deported.

## 5.2.12 I-327 "Re-entry Permit"

The I-327 is given to lawful permanent residents who are traveling outside of the U.S. for an extended period of time. It is issued in lieu of a passport and is given to facilitate re-entry into the U.S. It has an expiration date which is valid for two years and is not renewable.

## 5.2.13 I-360 "Petition for Amerasian, Widow or Special Immigrant"

The I-360 is a petition used by noncitizens to apply for "Battered Noncitizen" status with INS. This may be done in order to apply for an adjustment of status to become a permanent resident noncitizen or to receive public benefits, if otherwise eligible.

#### 5.2.14 I-444 “Mexican Border Visitors Permit”

The I-444 is a Mexican Border Visitors Permit. The permit authorizes Mexican citizens stays of up to 30 days and any travel within California, Texas, Arizona, New Mexico, or Nevada.

Effective 4/1/97, the I-94 replaces the I-444.

#### 5.2.15 I-512 “Parole Authorization”

Noncitizens in the U.S. who have lawful permanent residence or another immigration status can apply for advance parole if they must leave the U.S. If granted advance parole, they will be issued the I-512. This allows them to leave the country and re-enter the U.S. from short trips abroad.

#### 5.2.16 N-550 “Certificate Of Naturalization”

The N-550 is issued to a noncitizen who becomes a U.S. citizen through the naturalization process. It is the original certificate of naturalization issued by a court.

The N-570 is a replacement certificate issued by INS when the original document (N550) is lost or destroyed.

#### 5.2.17 I-551 “Resident Alien Card”

The I-551 establishes both identity and employment eligibility for noncitizens lawfully admitted for permanent residence. I-551s are issued by INS to legal immigrants after their arrival and to refugees after one year of residence. Other noncitizens are eligible to apply for an I-551 subject to the limitations of their specific legal status.

The I-551 replaced the I-151, AR-3 and AR-3a. It was phased-in starting in 1977. All of these forms are acceptable proof of noncitizen status if specifically endorsed to show the legal right to reside permanently.

The I-551 is commonly called a “green card” after the original I-151 issued in 1946. In 1989, INS began to issue an I-551 with added anti-forgery characteristics and ten-year expiration dates. The face of this card is a rose color and the blue INS seal overlaps the photo area. The laminate contains an optical variable ink pattern which

reads “I-551” when the card is tilted at an angle. Class codes are on the back of this I-551. The back gradually changes from pink to blue, with a map of the U.S. in white.

INS began issuing a new version of the “resident alien card” on 4/22/98. The newer version has a white background and salmon lines cover the photo in an unbroken pattern on the front. The back has a pale greenish background with the map of the U.S. in white. It also features:

- The permanent resident bearer’s country of birth
- Class codes listed on the front under “category”
- Imbedded holograms of:
  - The Statue of Liberty with rays emanating from her torch
  - An outline map of the U.S.
  - The INS seal
  - The letters “USA”, and
  - The words “United States of America” alternating with “US Immigration and Naturalization Service.”

The I-551 and I-151 contain “class” codes which can be used to determine an individual's prior immigration status before adjustment to that of a permanent resident noncitizen.

**Note:**

The I-551 may be issued to persons to reflect the conditional nature of the noncitizen's status. An expired conditional I-551 cannot be accepted as evidence of eligible noncitizen status.

## 5.2.18 N-560 “Certificate Of Citizenship”

An N-560 is issued to U.S. citizens born abroad who acquired citizenship at birth through a U.S. citizen parent. It can also be obtained by citizens who derived citizenship when their parents naturalized, and by children adopted by U.S. citizens. The N-561 is a replacement certificate.

## 5.2.19 N-570 “Certificate Of Naturalization”

[Refer to Chapter 5.2.16 “Certificate of Naturalization”, p. 5-117]



### 5.2.20 I-571 “Refugee Travel Document”

The I-571 is issued to refugees and asylees in the U.S. who want to travel abroad before they receive lawful permanent resident status. It is similar to a reentry permit and is used like a passport to enter other countries and return to the U.S.

### 5.2.21 I-586 “Mexican Border Crossing Card”

The I-586 is given to citizens of Mexico to enter the U.S. for short trips. These persons are limited to the area within 25 miles of the U.S. - Mexico border. The card is valid indefinitely, but the person is authorized to remain in the U.S. for only 72 hours each visit. (The predecessor document was the I-186.)

### 5.2.22 I-688 “Temporary Resident Card”

The I-688 was issued to noncitizens granted temporary resident status under the legalization (Amnesty-245A) or SAWS Programs (210-210A). The I-688 is replaced by an I-551 once the noncitizen is granted permanent resident status. This document was acceptable verification of permanent resident status for public benefits.

The I-688 has a green stripe on the top and carries an expiration date which must be current. Eligibility for aid expires when the card expires, unless the noncitizen obtains additional documentation extending their status. INS has been attaching stickers with extension dates on the back of the I-688.

### 5.2.23 I-688A “Employment Authorization for Legalization Applicants”

The I-688A was issued to all noncitizens who applied for amnesty and met initial eligibility requirements. The I-688A by itself is not evidence of temporary resident status and does not provide adequate verification for public benefits. It is valid for a period of up to six months. Within the six month period, INS granted or denied eligibility for temporary resident status.

INS may extend the expiration date by adding stickers to the back of the card or by adding a card attached to the I-688A with holes punched to indicate the extension date.

## 5.2.24 I-688B “Employment Authorization Document”

The I-688B is issued to noncitizens who have been granted permission to work in the U.S. The I-688B remains valid until the expiration date on the individual card. The expiration date may be extended by placing a small sticker on the reverse side. There are two kinds of extension stickers:

- One extends the expiration date for 90 days, and
- The other for 1 year.

Multiple stickers may be used for further extension. The I-688B by itself may not provide adequate verification for public benefits unless you are able to verify the annotated INA section as matching one of the “qualified alien” status’.

The front of the “Red” I-688B has a white background, yellow interlocking wavy lines and a gold INS seal visible when tilted. The back has a red outline of the U.S., Alaska and Hawaii. The word “VOID” is capitalized and underlined.

The I-688B provides the provision of law allowing the noncitizen to work which may also be a clue to how the noncitizen entered the country. Below is the key to the provision of law:

## Key to "Provision of Law"

Subsection 274a.12(a) (Automatic permission to work):	
(a)(3)	Refugee
(a)(4)	Paroled as refugee
(a)(5)	Granted asylum
(a)(6)	Fiance(e) of U.S. citizen or dependent of fiance(e)
(a)(7)	Son or daughter of former international organization employee
(a)(8)	Citizen of the Federated State of Micronesia or the Marshall Islands
(a)(10)	Granted withholding of deportation
(a)(11)	Granted extended voluntary departure or DED
(a)(12)	Granted temporary protected status (TPS)
(a)(13)	Granted Family Unity
(c)(1)	Dependent of foreign government official
(c)(2)	E-1 nonimmigrant
(c)(3)	Foreign Students
(i)-(iii)	
(c)(4)	Dependent of employee of international organization
(c)(5)	Dependent of exchange visitor
(c)(6)	Foreign Student
(c)(7)	Dependent of NATO employee
(c)(8)	Asylum applicant

Subsection 274a.12(c): (Must establish eligibility for permission to work):	
(c)(1)	Dependent of foreign government official
(c)(2)	E-1 nonimmigrant
(c)(3)(i)-(iii)	Foreign students
(c)(4)	Dependent of employee of international organization
(c)(5)	Dependent of exchange visitor
(c)(6)	Foreign students

Subsection 274a.12(c): (Must establish eligibility for permission to work):	
(c)(7)	Dependent of NATO employee
(c)(8)	Asylum applicant
(c)(9)	Applicant for adjustment to lawful permanent resident status
(c)(10)	Applicant for suspension of deportation or cancellation of removal
(c)(11)	Paroled or emergent or public interest reasons
(c)(12)	Granted voluntary departure
(c)(13)	Deportation or exclusion proceedings pending
(c)(14)	Granted deferred action
(c)(16)	Applicant for registry (resided in U.S. since before January 1, 1972)
(c)(17)(i)	Employee of business visitor
(c)(17)(ii)	Employee of foreign airline
(c)(18)	Deportable noncitizen under order of supervision
(c)(19)	TPS applicant

### 5.2.25 I-689 “Fee Receipt”

The I-689 is a receipt issued by INS to applicants for legalization (amnesty) and Special Agricultural Worker (SAW) programs after the application for legalization was submitted and the fee was paid. The date the fees are paid is the “Date of Adjustment” and begins the 5-year period of ineligibility for CalWORKs, Food Stamps and most Medi-Cal benefits. The I-689 expires on the date of the legalization interview, when the applicant may receive an “Employment Authorization Card” (I-688A).

### 5.2.26 G-711 “INS Cash Receipt”

A cash receipt (G-711) is given to the customer whenever INS receives a fee or a fee is waived. The G-711 contains the customer's alien registration number and will list a form number. The form number can tell us what form the customer has paid or applied for.

## Key to Form Numbers

INS Form numbers for application:

I-90	TO REPLACE ALIEN REGISTRATION CARD
I-102	FOR REPLACEMENT I-94 OR I-95
I-130	PETITION FOR ALIEN RELATIVE
I-131	APPLICATION FOR REENTRY PERMIT
I-140	PETITION FOR EMPLOYMENT BASED IMMIGRANT VISA
I-190	APPLICATION FOR MEXICAN BORDER CROSSING CARD
I-212	APPLICATION FOR PERMISSION TO REAPPLY FOR ADMISSSION INTO THE U.S. FOLLOWING DEPORTATION OR REMOVAL
I-246	FOR STAY OF DEPORTATION
I-256A	FOR SUSPENSION OF DEPORTATION
N-400	FOR NATURALIZATION
N-458	TO CORRECT CERTIFICATE OF NATURALIZATION
I-485	TO REGISTER PERMANENT RESIDENCE OR ADJUST STATUS
I-506	FOR CHANGE OF NONIMMIGRANT STATUS
I-539	TO EXTEND TIME OF TEMPORARY STAY
N-565	FOR NEW NATURALIZATION OR CITIZENSHIP CERTIFICATE
I-589	FOR ASYLUM IN THE UNITED STATES OR TO EXTEND OR CHANGE NONIMMIGRANT STATUS
N-600	FOR CERTIFICATE OF CITIZENSHIP
N-643	APPLICATION FOR CERTIFICATE OF CITIZENSHIP FOR ADOPTED CHILD
I-698	TO ADJUST STATUS FROM TEMPORARY TO PERMANENT RESIDENT
I-765	FOR EMPLOYMENT AUTHORIZATION
I-817	FOR VOLUNTARY DEPARTURE UNDER FAMILY UNITY PROGRAM
I-821	FOR TEMPORARY PROTECTED STATUS

## 5.2.27 I-766 “Employment Authorization Document”

INS is phasing in the “Employment Authorization Document” (EAD) (I-766). This card is issued to noncitizens who are authorized to work temporarily in the U.S. This document establishes identity and employment eligibility and is similar to a credit card document. This card may also contain an INS code to identify the immigration status of the individual.

Known Codes	Status
A3	Refugee, Conditional Entrant
A5	Asylee
A10	Withholding of Deportation/ Cancellation of Removal

The front of the “Red” I-766 has a white background, red header bar and the Statue of Liberty, USA, and INS symbols become visible when tilted. The non-immigrant category is listed over the justice seal by a letter and number abbreviation of the 274A.12 immigration law citation. The back has a white background with a black magnetic strip and bar code.

## 5.2.28 I-797 “Notice of Action”

The I-797 is an approval notice of action for most INS petitions and applications. In the past we primarily saw it used for Family Unity applications. Just recently we have seen it used for other purposes. INS indicates that there will be four versions of the form.

Information from INS indicates the four versions of the form will be:

- I-797
- I-797A
- I-797B
- I-797C

### I-797

The I-797 will be used for immigrant approvals, as well as for other cases not covered on Form I-797A and I-797B.

### I-797A

The I-797A is used for non-immigrant (primarily employment) cases in which the beneficiary/applicant is in the U.S.

### I-797B

The I-797B is used for non-immigrant (primarily employment) cases in which the beneficiary/applicant is outside the United States and is applying for a visa at an American consulate.

### I-797C

The I-797C is generally used for non-approval actions, such as receipts, requests for more information, and denials.

## 5.2.29 I-864 “Affidavit of Support”

Sometimes immigrants are “sponsored” when they apply for an immigration visa. Sponsors submit an “Affidavit of Support” promising to financially assist the immigrant should it be needed. When an immigrant is sponsored (after 12/19/97) they will have an I-864.

[Refer to Chapter 5.2.3 “Affidavit of Support”, p. 5-114 for more information regarding the I-134]



## 5.3 Processing INS Documents

Applicants/recipients must provide original INS documents as verification of immigration status. Certified copies are acceptable. If the customer and/or INS cannot provide adequate verification, the application must be denied.

### 5.3.1 Photocopying INS Documents

Photocopies of original documents must be on file in the case record for purposes of eligibility determination. Certificates of naturalization and citizenship state on their face: “It is punishable by U.S. law to copy, print or photograph this certificate”. This statement is derived from 18 U.S.C. 1426(h) which provides a criminal penalty

to those who reproduce the applicable documents. If questioned by the customer, we are allowed to photocopy these documents. Benefit granting agencies such as Social Services Agencies have been given lawful authority to photocopy appropriate INS documents as verification provided by 104.26 of Section 8 of the Code of Federal Regulations.

### 5.3.2 Lost, Mutilated or Destroyed Documents

A customer who states their INS documents are lost, mutilated or destroyed must be referred to INS to apply for replacement documents. If the customer has a disability (mental or physical impairment, etc.) that limits their ability to provide the required documentation, every effort must be made to help the customer obtain the evidence.

Temporary eligibility can be granted as long as the customer:

- Can give us an INS receipt that provides information that the document has been requested to be replaced, and
- Knows their alien registration number so that SAVE can be requested.

Follow-up on receipt of actual document, and obtain a copy for the case file.

For information on how to apply for a new/replacement document, customers can call the INS toll-free number, 1-800-375-5283. Information is available in English and Spanish.

### 5.3.3 Altered or Phony Documents

When a document does not reasonably appear to be genuine the county must verify the information through SAVE before accepting the document. Resolve all discrepancies by asking for supporting evidence. Does the reported information appear logical? Point out any inconsistencies and ask for clarification.

### 5.3.4 Incorrect Information on Documents

Customers often present INS documents and then state that certain information is not accurate. The most common problem is date of birth. Many immigrants do not have a copy of their birth certificate. Depending on who and where the application for immigration is completed depends on the information that is recorded. Some will accept the customers statement as date of birth and enter that, others will not. The problem arises when an incorrect date is entered for lack of an actual birth certificate.



When the customer arrives here with inaccurate information. INS can only correct a date of birth up to a certain point in their process. If the customer arrives in the U.S. and goes to court to correct the date, INS can probably correct it. If they wait until they apply for residency it is too late. They have to have the information corrected prior to their request for their I-551. INS is under no obligation to correct a birthdate when the customer has a court order.

When the customer has gone to court and corrected the information our agency will accept the information provided by the court order. This is an instance where conflicting information is allowed.

## 6. SAVE



### 6.1 General

The Immigration Reform and Control Act of 1986 (IRCA-86) mandates that the immigration status of each noncitizen applicant/recipient must be verified with INS as a condition of eligibility for CalWORKs, Food Stamps or Medi-Cal. INS has designated Systematic Alien Verification for Entitlements (SAVE) as the system to be used to verify each noncitizen's immigration status.

SAVE provides information regarding INS status, but the responsibility for determining eligibility for benefits remains with the county.

#### 6.1.1 Definition

SAVE is an intergovernmental (federal/state) information sharing program consisting of an automated (primary) and a manual (secondary) verification system.

The primary system is used to verify the immigration status of noncitizens who have an alien registration number ("A" number or "A" series number). If the primary verification response does not state that the noncitizen is in Satisfactory Immigration Status (SIS), then secondary verification is mandated.

The secondary system is a manual system for verifying an alien registration number and noncitizen information. It is required in addition to primary verification under the following circumstances:

- The SAVE primary response is: "Institute Secondary Verification"
- The INS documentation does not contain an "A" number
- There are unacceptable discrepancies between the primary response and the INS documentation presented by the applicant
- The original INS documentation appears to be altered or counterfeit.

### 6.1.2 Declaration

IRCA Section 121 requires, as a condition of eligibility, that each person applying for public benefits (other than restricted Medi-Cal) must declare in writing under penalty of perjury whether the individual is a citizen or a national of the United States, or what their noncitizen status is, to determine whether the individual is in SIS. A declaration of citizenship/noncitizen status is required for each case regardless of citizen/noncitizen status.

The declaration of citizen/noncitizen status is required as follows:

- At time of application.
- At re-application and restoration when there is a break in aid:
  - Of more than 30 days for CalWORKs and Medi-Cal.
  - Of any duration for Food Stamps.
- Any time a noncitizen status change is reported.

### 6.1.3 Alien Registration Numbers

Noncitizen applicants must present documentation from INS that contains an alien registration number. This number, also known as the “A” number, references that individual’s file with INS. Each “A” number is unique to one person only, even minors and infants.

The “A” number contains seven, eight or nine digits preceded by the letter A. New seven digit numbers are no longer being issued.

### 6.1.4 Statement of Facts

#### SAWS 2

For CalWORKs and Categorically Eligible (CE) Food Stamp Households, the “Statement of Facts for Cash Aid, Food Stamps, and Medi-Cal/State CMSP” (SAWS 2) meets the IRCA requirements for a declaration of citizen/noncitizen status, when:

- Each adult applicant/recipient signs under penalty of perjury that the individual is a U.S. citizen/national or noncitizen, and
- The SAWS 2 is documented for each individual, by initiating SAVE and checking the SAVE box, and

- The county verbally informs the noncitizen applicant/recipient of the requirements under IRCA.

## MC 13

A “Statement of Citizenship, Alien and Immigration Status” (MC 13) is required for each Medi-Cal applicant/recipient.

### Example:

For cases that receive Medi-Cal and Food Stamps, an MC 13 is required for each person in the Medi-Cal MFBU.

If the applicant recipient completes a SAWS 2 and CalWORKs is denied but the family wants Medi-Cal, the SAWS 2 can be used. The customer must also complete the MC 13 and the “Important Information for Persons Requesting Medi-Cal” (MC 219), unless the SAWS 2A was signed at application. There may be other necessary Medi-Cal forms needed.

## CA 64

A “Statement of Citizenship/Alien Status” (CA 64) meets the IRCA requirements for a declaration of citizen/noncitizen status and must be used for CalWORKs when:

- Using the CA 20 to complete the RV, and
- Noncitizen status changes for persons listed on the CA 20.

## 6.1.5 Completion of the MC 13

The applicant/recipient must follow these steps to complete the MC 13:

STEP	ACTION
1.	Enter name of applicant/recipient (first, middle, last).
2.	Check the appropriate box for Citizenship/Immigration Status  REMINDER: Nationals of the United States owe allegiance to the United States but are not citizens. Permanent residents of American Samoa are nationals of the U.S. and are eligible for benefits.
3.	Enter the Alien Registration Number. This is known as the “A” number. The “A” is followed by a seven, eight, or nine digit number.  If the noncitizen does not know his/her alien number, use the G-845S and initiate secondary SAVE verification.

STEP	ACTION
4.	Enter the date the applicant first entered the U.S.
5.	Enter the applicant's name when they first entered the U.S.
6.	Enter the applicant's country of citizenship.
7.	Enter the place of birth (country where born).
8.	Enter the Social Security Number of each applicant/recipient.
9.	Enter the date of birth (month, day, year).

### 6.1.6 Completion of the CA 64

The applicant/recipient will follow these steps to complete the CA 64:

STEP	ACTION
1.	Enter name of applicant/recipient.
2.	Check the appropriate box for Citizenship/Immigration Status  REMINDER: Nationals of the United States owe allegiance to the United States but are not citizens. Permanent residents of American Samoa are nationals of the U.S. and are eligible for benefits.
3.	Enter the Alien Registration Number. This is known as the "A" number. The "A" is followed by a seven, eight, or nine digit number.  If the noncitizen does not know his/her alien number, use the G-845S and initiate secondary SAVE verification.
4.	Enter the Social Security Number of each applicant/recipient.
5.	Enter the date of birth (month, day, year).
6.	Enter the place of birth (country where born).

### 6.1.7 Who Is Required to Sign

Follow this chart to determine who may sign the "Statement of Citizenship/Alien Status" (CA 64/MC 13):

CalWORKs	MEDI-CAL
When the CA 20 is used each adult must sign the CA 64 and enter the date in the appropriate box.	Each adult must sign the MC 13 and enter the date in the appropriate box.

CalWORKs	MEDI-CAL
The parent or caretaker relative must sign and date for each child listed under 18 years of age on the CA 20.	The parent or caretaker must sign and date the MC 13 on behalf of his/her children under age 21.
If there is no adult in the household, the applicant may sign for non-adults.	

### 6.1.8 Witness to Signature

The signatures do not have to be witnessed. If the noncitizen signs with an “X”, the signature must then be witnessed, but not necessarily by the county.

### 6.1.9 Informing

CalWORKs, Food Stamp and Medi-Cal applicants and recipients must be notified at application and at the annual redetermination/recertification that information available through SAVE will be requested and utilized. This requirement is the same as the IEVS notification. The notification of the use of SAVE must include all of the following:

- The immigration status of applicant noncitizen will be verified with INS through SAVE, and
- Such verification will require the disclosure to INS of certain information, and
- Information received from INS may affect their eligibility and benefit level.

The SAWS 2, DFA 285 and CA 64 contain sufficient information to notify all cash aid and food stamp applicants/ recipients of the use of SAVE.

The SAWS 2 and MC 13 contain sufficient information for Medi-Cal applicants/recipients.

### 6.1.10 Time Frames

The county must not delay, deny, reduce or terminate benefits based upon failure to provide documentation of noncitizen status prior to the end of the application processing period. If at the end of the application processing period the noncitizen cannot or refuses to provide the required documentation, deny per specific program requirements.

Noncitizens are required to obtain and provide acceptable INS documentation. Noncitizen applicants who do not have acceptable INS documentation are responsible for obtaining it for themselves and must be given the address of the nearest INS office. [Refer to Chapter 2.2.9 “INS”, p. 2-12]

## 6.1.11 Specific Programs [EAS 40-126.2, 40-171.11]

### CalWORKs

CalWORKs regulations require that a CalWORKs application be approved or denied no later than 45 days following the date of application. This time period applies to SAVE. SAVE does not change CalWORKs payment requirements.

Deny the noncitizen member(s) of the AU if the requested noncitizen documentation is not provided by the 45th day following the date of application.

Do not delay granting aid to the remaining member(s) of the AU, pending documentation of noncitizen status, if the AU is otherwise eligible prior to the 45th day.

Immediate Need — Do not issue CalWORKs assistance or an Immediate Need payment until acceptable documentation of noncitizen status has been provided and the SAWS 2 or the CA 64 has been completed and signed.

### Refugee Cash Assistance (RCA)

SAVE is not required for the RCA program unless the customer is also receiving Food Stamps.

### Food Stamps

Food Stamp households must be given 10 calendar days to provide verification, including noncitizen verification for SAVE.

If the 10-day period ends before the 30th day following the date of application:

- Do not certify the noncitizen until acceptable verification has been provided.
- The remainder of the household shall be given the option of participating without that member or withdrawing its application.
- The noncitizen has up to 30 days from the date of application to provide the necessary verification and then be added to the household.

- Certify the entire household back to the original date of application if the applicant chooses to wait until the noncitizen can provide acceptable verification, and acceptable verification is provided within the 10-day period.
- If the remainder of the household chooses to be certified before the noncitizen provides acceptable verification, the noncitizen is not added until acceptable verification is provided. Add the noncitizen the first of the month following the month acceptable verification is provided.

When the 10-day period ends after the 30th day following the date of application:

- The county must provide Food Stamp benefits to the remaining household members (provided all the other eligibility requirements are met and verified) no later than the 30th day following the date of application.
- The noncitizen is:
  - Not certified until acceptable verification is provided.
  - Treated as an ineligible noncitizen, if the necessary verification is not provided.
  - Added the first of the month following the month in which verification was provided and eligibility was cleared.

SAVE does not change Food Stamp issuance requirements. Expedited Services (ES) Food Stamps must be provided for the household which has not completed and/or signed the CA 64 and/or provided acceptable verification of noncitizen status, if otherwise ES eligible.

## Medi-Cal

### Medi-Cal Application Processing Period

Medi-Cal applicants for full-scope Medi-Cal benefits must be allowed 30 days or the period of time it actually takes to determine eligibility, whichever is longer, to obtain documentation of noncitizen status. If the noncitizen declares satisfactory immigration status (SIS) but has no documentation, grant full-scope benefits, if otherwise eligible. If the noncitizen fails to provide documentation of noncitizen status within the 30-day period, reduce to restricted benefits and send a timely NOA. If the noncitizen applicant provides a document showing SIS within the 30 day period, and he/she is otherwise eligible, full scope benefits continue while that status is being verified via SAVE. If INS responds to the SAVE verification and indicates the applicant does not have SIS, then reduce to restricted benefits with a timely NOA. Remember that for otherwise eligible immigrants, claiming SIS full scope MediCal continues for the entire INS processing period even when INS requests Secondary SAVE.



## 6.1.12 Requirements

The immigration status of each noncitizen applicant/recipient of CalWORKs, Food Stamps and Medi-Cal must be verified with INS through SAVE. Counties must use SAVE to verify the immigration status of each noncitizen:

- At intake, for each new applicant
- Anytime a new person is added to the AU, MFBU or FS household
- Anytime a change in noncitizen status is reported, and
- At the next RV/RC for each current recipient.

Exception:

For CalWORKs and Food Stamps, once SAVE has been cleared for each member of the AU, SAVE does not have to be repeated at subsequent RVs/RCs.

## 6.1.13 INS Documentation

Applicants/recipients must provide INS documentation of immigration status before the county initiates SAVE verification. Noncitizens must present original INS documents which may include a photograph. Noncitizens should request new documents from INS whenever (for any reason) they do not/cannot provide original INS documents.

The acceptable documents that INS issues to lawful U.S. residents are:

- I-551, Resident Alien Card
- I-551\*, Conditional Resident Alien Card
- I-151, Alien Registration Receipt Card
- AR-3A, Alien Registration Receipt Card
- I-181, Memorandum of Creation of Record of Lawful Permanent Residence
- I-688\*, Temporary Resident Card
- I-327\*, Re-Entry Permit
- I-571\*, Refugee Travel Document
- I-94\*, Arrival-Departure Record (Does not always have an "A" number)
- I-689\*, Fee Receipt.

\*These documents are invalid if the expiration date has passed.



## 6.2 Primary SAVE

SAVE primary verification is required for all noncitizens seeking public benefits.

Exception:

Noncitizens requesting restricted Medi-Cal benefits. [Refer to Chapter 6.1.13 "Requirements", p. 6-135]

The SAVE primary system provides counties access to the INS SAVE data base using the noncitizen's alien registration number.

### 6.2.1 Primary Abstract

Once the primary abstract is received it must be compared to the case record. The data received from the SAVE primary system should be consistent with the information provided by the noncitizen. If there is any doubt as to the true identity or immigration status of the noncitizen, secondary verification shall be initiated.

### 6.2.2 Primary Messages

In addition to comparing the SAVE data to the data provided by the noncitizen, the county must check the SAVE primary response message.

There are seven possible primary verification responses:

- Lawful Permanent Resident — Employment Authorized.
- Cuban/Haitian Entrant — Temporary Employment Authorized.
- Section 245A Temporary Resident — Temporary Employment Authorized.
  - A noncitizen granted amnesty was not eligible for CalWORKs or Food Stamps for five years from the date temporary resident status (TRS) was granted. They were not considered to be in Satisfactory Immigration Status (SIS).
- Section 210 Temporary Resident — Temporary Employment Authorized.
  - A SAWs noncitizen may be eligible for Food Stamps once temporary resident status (TRS) has been granted.
- Institute Secondary Verification
- Refugee — Employment Authorized
- Asylee — Employment Authorized.

### 6.2.3 Acceptable Differences

When SAVE data is compared to information provided by the noncitizen, some acceptable differences may occur. Items to check include the noncitizen's alien registration number, name, date of birth and county of birth. Some acceptable differences include:

- A name reversal with the last name appearing first.
- A shortened name, especially Spanish names such as:

Maria de los Angeles	as Maria Angeles
Juan Gomez y Conde	as Juan Gomez Conde
Maria Gomez de Martinez	as Martinez, Maria Gomez

- A recent marriage may not reflect a name change.
- The date of birth may have transposed month and day elements; for example, January 4, 1957 may appear as 040157 or 010457.
- The date of birth does not match; but, the customer has a court order showing correct birthdate. Accept the court ordered birth date.
- The country of birth may not be the country of nationality; that is, state of legal allegiance.
- The date of entry — Since the date of entry could be the noncitizen's most recent entry into the U.S., it cannot be relied upon as indicative of when the noncitizen was admitted as a lawful permanent resident.
- The Social Security Number — INS does not have social security numbers for every noncitizen on file.

### 6.2.4 Unacceptable Differences

Initiate Secondary SAVE Verification, even if the SAVE response message is “Lawful Permanent Resident — Employment Authorized”, under the following circumstances:

- The SAVE data is not consistent with the information provided by the noncitizen.
- The differences in the information does not fall in the “acceptable differences” categories.

- There is any doubt as to the true identity or immigration status of the noncitizen.

## 6.2.5 Primary/Secondary Decision Chart

Use the following chart to decide when to initiate Primary SAVE or when immediate Secondary SAVE is required:

	Initiate Primary	Immediate Secondary
Valid - appearing I-551, I-151, AR-3A, I-688, I-327, or I-571 with Number between A0 000 001 and A59 999 999.	X	
Counterfeit-appearing or altered document.		X
No A-Number on document.		X
I-551 showing code "Z13" and applicant claims battery.		X
I-689 or I-688A.		X
I-181, or I-94 in a foreign passport that bears the endorsement "Temporary Evidence of Lawful Admission for Permanent Residence", processed over one year ago.		X
Any INS receipt.		X
Other I-181, or endorsed I-94 on a foreign passport.	X	



## 6.3 Secondary Save

Secondary SAVE Verification is a manual verification process. In addition to the circumstances listed on the previous page, secondary SAVE verification must be initiated by the county when:

- INS documentation presented by the noncitizen appears to be counterfeit, altered, or unfamiliar.
- The INS document does not have an "A" number, but it notes an immigration status.

- The “A” number is in the A 80,000,000 series, which is used for border crossings.
- The document is an INS receipt.
- The customer does not have verification of the “Date of Adjustment” to determine the amnesty 5-year period of ineligibility for benefits.
- The noncitizen presents a foreign passport containing an I-181 or I-94 form which is over one year old and contains the statement “processed for I-551, Temporary Evidence of Lawful Permanent Residence.”
- The individual is an IRCA noncitizen. IRCA (Amnesty/SAWs) noncitizens who are applying for cash aid, Food Stamps or Medi-Cal must be run through the secondary verification process in order to determine current eligibility status.

Before secondary verification can be initiated for an IRCA Amnesty noncitizen (INA Section 245A) or a SAWs noncitizen (INA Section 210), a consent of Disclosure” form (CA 64A) must be completed and signed by the IRCA noncitizen. [Refer to Chapter 6.4 “Immigration Reform and Control Act”, p. 6-144]

- Sponsorship is in question. The sponsorship data can be obtained only through the secondary SAVE verification process. Inquiries must follow the normal secondary procedures with a specific request as to whether there is an affidavit of support on file for this person, and if so, to request a copy. [Refer to Chapter 3.21 “Sponsored Noncitizens”, p. 3-77]

### 6.3.1 Secondary Request

To initiate secondary verification, the county must complete the “Document Verification Request” (G-845S). The G-845S and legible photocopies of original INS documents must be sent to the INS File Control Office (FCO). File a copy of the G-845S in the case. Follow up for return of the secondary SAVE verification.

A signed “Consent of Disclosure” (CA 64A) must be submitted to INS with the G-845S for each amnesty noncitizen (INA section 245A) or each SAWs noncitizen (INA section 210). The CA 64A is not used for other noncitizens. [Refer to Chapter 6.3 “Secondary SAVE”, p. 6-139]

## 6.3.2 G-845S Procedures

The G-845S must be completed as fully as possible. It is essential that the G-845S contain enough information to identify the noncitizen. Mail the original G-845S to INS. Do NOT send a photocopy of a G-845S unless both the front and the back are photocopied on one sheet of paper.

### Noncitizen Information

INS is requesting that each G-845S be completed as follows:

- Alien Registration or I-94 Number: Enter the "A" Number as the letter "A" followed by a series of seven, eight or nine digits. Include the Admission Number if available. The Admission Number is found on Form I-94.
- Applicant's Name: Enter last, first and middle names of the applicant. If the documentation indicates more than one variation of the name, enter all versions.
- Nationality: Enter the foreign nation or country to which the applicant owes his allegiance. This is normally, but not always, the country of birth.
- Date of Birth: Enter the birth date using the month-date-year format, (01-22-66). If the complete date of birth is unknown, you should give all available information.
- Social Security Number: Enter the noncitizen's Social Security Number if known. Copy the number directly from the noncitizen's Social Security card.
- Verification Number: Enter the Verification Number assigned from the SAVE primary search, if applicable.
- Photocopy of Document Attached/Other Information Attached: Indicate that INS documentation is attached by checking the top box. The bottom box should be used if other information has been included in support or in lieu of INS documents (such as VOLAG documents, etc.).
  - Staple the copy of the INS document to the BACK of the G-845S.
  - Send only READABLE copies of INS documents. If the original INS document does not photocopy clearly, write all INS codes, etc., on the side of the photocopy.
  - Photocopy both the front and back of the INS document on the same sheet of 8 1/2 x 11 paper. Do not send small, "cut-up" pieces of paper.

- Benefit/Your Case Number: Check the blocks showing the entitlement benefit program(s) for which this noncitizen has applied.
- A separate G-845S must be completed for EACH noncitizen, and should include copies of INS documents for that person only.
- Do NOT staple G-845Ss together for families or groups. (One noncitizen, one G-845S, one copy of INS documentation.) INS processes each G-845S individually.

### To/From/County Information

The county submitting the G-845S must:

- Print the county name, title, telephone number and the current date.
- Type or stamp the name and address of the county district office in the block labeled "From".
- Address the "To" block:

Local INS Office

### 6.3.3 INS Response To G-845S

INS will check the appropriate box on the G-845S after reviewing the submitted documents.

BOX	VERIFICATION
1.	THIS DOCUMENT APPEARS VALID AND REALTES TO A LAWFUL PERMANENT RESIDENT ALIEN OF THE UNITED STATES: This box reflects a valid I-551, I-181 or I-94 with the notation "Processed for I-551, Temporary Evidence of Lawful Admission for Residence." Immigration law allows this person to live and work in the U.S. on a permanent basis.
2.	THIS DOCUMENT APPEARS VALID AND RELATES TO A CONDITIONAL RESIDENT ALIEN OF THE UNITED STATES: This box means a valid I-551, I-181, or I-94 stamped with the notation "Processed for I-551, Temporary Evidence of Lawful Admission for Permanent Residence." This person is allowed to live and work in the U.S. under the law. However, INS will reevaluate their status in two years. Conditional resident noncitizen status is normally granted to noncitizens that marry U.S. citizens, nationals or permanent resident noncitizens.

BOX	VERIFICATION
3.	THIS DOCUMENT APPEARS VALID AND RELATES TO AN ALIEN AUTHORIZED EMPLOYMENT AS INDICATED BELOW: This indicates full or part-time employment, and also the period of employment. "Indefinite" will be indicated if there is no specific expiration date for employment eligibility.
4.	THIS DOCUMENT APPEARS VALID AND RELATES TO AN ALIEN WHO HAS AN APPLICATION PENDING FOR: This box is used to indicate new immigration status or a change in immigration status. If a change of status is pending, the appropriate block indicating their current status will also be checked.
5.	THIS DOCUMENT APPEARS VALID AND REALATES TO AN ALIEN HAVING BEEN GRANTED ASYLUM/REFUGEE STATUS IN THE U.S.: This box indicates an noncitizen granted temporary refugee status or asylum in the U.S., because of persecution or well-founded fear of persecution in his country of nationality.
6.	THIS DOCUMENT APPEARS VALID AND RELATES TO AN ALIEN PAROLED INTO THE U.S. PURSUANT TO SECTION 212 OF THE I&N ACT: This box shows temporary status for an noncitizen who has entered the U.S. under emergency conditions or in the public's best interest.
7.	THIS DOCUMENT APPEARS VALID AND RELATES TO AN ALIEN WHO IS A CUBAN/HAITIAN ENTRANT: This indicates a temporary status for Cubans who entered the U.S.: <ul style="list-style-type: none"> <li>• Between April 15, 1980, and October 10, 1980, and</li> <li>• Haitians who entered the country before January 1, 1981.</li> </ul>
8.	THIS DOCUMENT APPEARS VALID AND RELATES TO AN ALIEN WHO IS A CONDITIONAL ENTRANT: This box reflects a refugee who entered the U.S. or adjusted his status to lawful permanent resident noncitizen under the seventh preference category of Public Law 89-236.
9.	THIS DOCUMENT APPEARS VALID AND RELATES TO AN ALIEN WHO IS A NONIMMIGRANT: This box reflects a noncitizen who is temporarily in the U.S. for a specific purpose such as a student, visitor and foreign government official.  NOTE: Not eligible for cash aid or Food Stamps.
10.	THIS DOCUMENT APPEARS VALID AND RELATES TO AN ALIEN NOT AUTHORIZED FOR EMPLOYMENT IN THE U.S.: This box is used to indicate the noncitizen's status prohibits employment in the U.S.  NOTE: Not eligible for cash aid or Food Stamps.
11.	CONTINUE TO PROCESS AS LEGAL ALIEN. INS IS SEARCHING INDICES FOR FURTHER INFORMATION: This box is used to indicate INS is withholding judgment regarding the status or validity of documentation pending further investigation. It does not mean the applicant is an illegal noncitizen or the holder of fraudulent documentation.



BOX	VERIFICATION
12.	<p>THIS DOCUMENT IS NOT VALID BECAUSE IT APPEARS TO BE: This box reflects expired documentation, altered or counterfeit documents. The back of the G-845S will contain an explanation.</p> <p>NOTE: Documentation is invalid and the noncitizen requirement is not met.</p> <p>INS may return the G-845S indicating a document is not valid because it is "expired". This is an INS determination, not a determination of eligibility for benefits. A document showing LPR status is always recognized by our agency as a valid document. If INS states it is invalid because it is expired doesn't mean the customer is no longer an LPR.</p>
13.	<p>THIS DOCUMENT RELATES TO AN ALIEN WHO HAS FILED AN APPLICATION FOR U.S. RESIDENCY PURSUANT TO SECTION 245(A)(c)(5) OF THE IMMIGRATION AND NATIONALITY ACT (AMNESTY/SAW) WHICH REQUIRES THAT YOUR REQUEST BE ACCOMPANIED BY AN ORIGINAL CONSENT OF DISCLOSURE STATEMENT MADE BY THE ALIEN APPLICANT PRIOR TO IN SO DIVULGING ADDITIONAL INFORMATION: This box means you must resubmit the G-845S, readable copied documents and a signed consent of disclosure statement.</p>
14.	<p>NO DETERMINATION CAN BE MADE FROM THE INFORMATION SUBMITTED. PLEASE OBTAIN A COPY OF THE ORIGINAL ALIEN REGISTRATION DOCUMENTATION AND RESUBMIT: This directs you to resubmit the G-845S with copies of the original noncitizen documentation.</p>
15.	<p>NO DETERMINATION CAN BE MADE WITHOUT SEEING BOTH SIDES OF THE DOCUMENT SUBMITTED: The G-845S has to be resubmitted with copies of both sides of each document.</p>
16.	<p>COPY OF DOCUMENT IS UNREADABLE: The G-845S has to be resubmitted with higher quality copies of the original noncitizen documentation.</p>
17.	<p>INS ACTIVELY PURSUES THE EXPULSION OF AN ALIEN IN THIS CLASS/CATEGORY: This response means INS will deport the noncitizen.</p> <p>NOTE: Not PRUCOL.</p>
18.	<p>INS IS NOT ACTIVELY PURSUING THE EXPLUSION OF AN ALIEN IN THIS CLASS/CATEGORY: This box reflects the noncitizen is residing in the United States under color of law (PRUCOL).</p>
19.	<p>Any other INS comments.</p>



## 6.4 Immigration Reform and Control Act [IRCA] [42-433.1, 63-505.1]

### 6.4.1 Requirements

Before secondary SAVE verification can be initiated for any Immigration Reform and Control Act (IRCA) amnesty noncitizen (INA Section 245A) or a SAWs noncitizen (INA Section 210), a “Consent of Disclosure” (CA 64A) must be completed and signed by the IRCA noncitizen. The CA 64A is a waiver of the confidentiality provision and authorizes INS to provide noncitizen information to the county.

IRCA noncitizens who fail or refuse to sign the CA 64A shall be excluded from the cash aid AU/FS household for refusal to cooperate. For Food Stamps, treat the income and resources of such individuals the same as an ineligible noncitizen.

Completing the Consent of Disclosure, CA 64A:

STAGE	WHO	ACTION
1.	County	<p>Makes the following entries:</p> <ul style="list-style-type: none"> <li>• Agency — Enter County Information</li> <li>• Type of benefit — Enter the aid program, e.g., CalWORKs.</li> </ul>
2.	Noncitizen	<p>Makes the following entries:</p> <ul style="list-style-type: none"> <li>• Name — Print name</li> <li>• Signature — Sign name</li> <li>• Date — Enter date signed.</li> </ul> <p>NOTE: The signature does not have to be witnessed by the county. If the noncitizen signs with an “X”, the signature must be witnessed, but not necessarily by the county.</p>
3.	County	<p>Attaches the G-845S with photocopies of immigration documents presented by the noncitizen and sends to INS-FCO.</p> <p>Files the CA 64A on Fastener 1, bottom.</p>

## 6.4.2 Required Forms

As a result of the Immigration Reform and Control Act (IRCA) each applicant/recipient of Cash Aid, Food Stamps, and Medi-Cal must make a mandatory declaration of citizen/noncitizen status. All applicants and recipients must be notified of the use of SAVE at the time of application/redetermination. If a recipient was not notified at application, notification must be done at the next reinvestigation or recertification. To document these requirements, the following forms must be completed by the applicant/recipient:

ASSISTANCE	FORMS REQUIRED
CalWORKs/Refugee	SAWS 2, SAWS 2A, CA 8, CA 8A, CA 20 <sup>a</sup>
Food Stamps Only	DFA 285-A2, CA 8, SAWS 2
Medi-Cal Only	MC 13 <sup>b</sup>
CalWORKs/Refugee/FS CE Household	SAWS 2, CA 8, CA 8A, CA 20 <sup>a</sup>
CalWORKs/Refugee/FS Non-CE Household	SAWS 2, CA 8, CA 8A, CA 20 <sup>ac</sup>
Medi-Cal/FS	MC 13 <sup>b</sup> , DFA 285-A2, SAWS 2, CA 8
All Aids	CA 64A <sup>d</sup>

- a. CA 64 must be used for CalWORKs when using the CA 20 for RVs
- b. MC 13 must be completed for each person on Medi-Cal-Only, regardless of which Statement of Facts is used (MC 210, SAWS 2, etc.)
- c. CA 64 must be used for CalWORKs when using the CA 20 when an individual is added to the AU/household
- d. CA 64A (Consent of Disclosure) must be completed by IRCA noncitizens (Amnesty/SAWs) before initiating SAVE



## 6.5 Refugees

Refugees who are applying for CalWORKs, Food Stamps or Medi-Cal will be allowed to delay processing “Institute Secondary SAVE” verification of immigration status for 12 months or until the reinvestigation/recertification (RV/RC), whichever occurs first.

SAVE is not required for refugees applying for RCA/ECA unless they are also applying for Food Stamps.

## 6.5.1 Procedures

Use the following chart to determine the required SAVE procedures for new refugees applying for CalWORKs, Food Stamps or Medi-Cal:

IF primary verification...	THEN...
States satisfactory immigration status,	SAVE verification is complete.
Does not state satisfactory immigration status,	SAVE secondary procedures can be delayed for 12 months or until the RV/RC, whichever occurs first.

### Note:

Immediate Secondary SAVE is required when evidence appears suspicious or fraudulent. [Refer to Chapter 6.2.5 "Primary/Secondary Decision Chart", p. 6-139]

## 6.5.2 Delayed SAVE Procedures

When the primary SAVE verification is returned for a refugee applying for CalWORKs, Food Stamps or Medi-Cal stating unsatisfactory immigration status, processing the secondary SAVE verification can be delayed for 12 months or until the RV/RC, whichever occurs first. The county must follow these steps to process delayed SAVE verification:

Step	Action
1.	<p>Follow up the initial request:</p> <ul style="list-style-type: none"> <li>• In 12 months, or</li> <li>• At the next RV/RC (whichever occurs first),</li> </ul> <p>stating "Reinitiate SAVE Primary".</p>

Step	Action	
2.	Reinitiate SAVE primary verification after 12 months or at the RV/RC (whichever occurs first) as shown below.	
	IF primary verification...	THEN...
	States satisfactory immigration status,	SAVE verification is complete.
	Does not state satisfactory immigration status,	Initiate secondary SAVE verification procedures immediately [Refer to Chapter 6.3.2 "G-845S Procedure", p. 6-140]